(1)

Supreme Court, U.S.
FILED

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CASE NO. _____

IN THE
Supreme Court of the United States of America

ROBERT KAHRE; JOHN NELSON
Petitioners
vs.
IMF, THE WORLD BANK, ET AL.

ON PETITION FOR WRIT OF CERTIORARI
TO THE
SUPREME COURT OF THE
STATE OF NEVADA AND
UNITED STATED DISTRICT COURT FOR THE
DISTRICT OF NEVADA

PETITION FOR WRIT OF CERTIORARI

Robert Kahre, In pro per
(Petitioner of record)
6049 Boulder Highway
Las Vegas, Nevada 89122
(702) 454-9221

John B. Nelson, In pro per
3277 Roswell Rd., N.E
Suite 366
Atalanta, GA. 30305

38 pp

QUESTIONS PRESENTED FOR REVIEW

1. Did the U.S. District Court unlawfully assume jurisdiction over a case in which the International Monetary Fund (IMF) was a party, and in contravention of the Articles of Agreement of the International Monetary Fund, Article IX, Section 3, 60 Stat. 1413?

2. Did the United States District Court unlawfully assume jurisdiction over the IMF and the International Bank For Reconstruction And Development (The World Bank) when the United States does not own more than fifty (50%) percent of the voting share stock in the instrumentalities, and in contravention of 28 U.S.C. 1349?

3. Do the judges of the U.S. District Court have subject matter jurisdiction over the "Exchange Stabilization Fund" (ESF) as created under the Gold Reserve Act of 1934, Section 10(b), and as amended by the Special Drawing Rights Act of 1968?

4. Does the State Court have jurisdiction over the IMF and The World Bank as instrumentalities and its corporators in accordance with the Foreign Sovereign Immunities Act, 28 U.S.C. 1605(a)(2)?

5. Are the immunities and powers granted to the International Monetary Fund (IMF) in contravention of the Constitution for the United States of America, and if so, can Congress created a corporate entity that is not "under Authority of the United States", grant it special privileges, immunities, and franchises, become a corporate stockholder and member, and thereafter devise a systematic scheme to do not only what their legislative powers do not authorize but what they forbid.

PARTIES TO ACTION BELOW

PLAINTIFFS BELOW

THE PEOPLE OF THE STATE OF NEVADA, EX REL, CITIZEN ROBERT KAHRE, THE AMERICAN NATIONAL PEOPLE, THE PEOPLE OF THE STATE OF COLORADO, SUI JURIS, JOHN B. NELSON

Robert Kahre	John B. Nelson
6049 Boulder Highway	3277 Roswell Road, N.E.
Las Vegas, Nevada 89122	Atlanta, Georgia 30305

DEFENDANTS & RESONDENTS BELOW

a) THE INTERNATIONAL MONETARY FUND (IMF)
b) THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT (THE WORLD BANK)
c) THE DE FACTO UNITED STATES, AS CORPORATOR AND ALTER EGO
d) CEDRICK NELSON
e) WALT BUDZINSKI
f) BRIAN P. McMAHON
g) RON SMITH
h) WHITTIER HOMES
i) BUD MAHAS
j) UNITED CONSTRUCTION CO., INC.
k) RICHMOND AMERICAN HOMES OF NEVADA
l) REMINGTON HOMES
m) CONAM MANAGEMENT
n) NEVADA STATE BANK
o) PHILLIP M. PRO

p) KATHRYN E. LANDRETH
q) KAREN L. BAKER
r) THOMAS K. KUMMER
s) MARK A. CYMROT
t) ADAM K. DERMAN
u) JOHN M. SULLIVAN
v) GORDON E. BYWATER
w) KIRK B. LENHARD
x) JOHN L. THORNDAL
y) ERVEN T. NELSON
z) PETER DOBOWSKY
aa) STEPHEN S. SPRINKEL
bb) RUTH L. COHEN
cc) BLAIR C. PARKER
dd) DE FACTO STATE OF NEVADA
ee) STATE INDUSTRIAL INSURANCE COMPANY
ff) DALE MORRIS
gg) ALISA R. MARGOLIS
hh) DAVID W. HAGEN
ii) DOUGLAS R. MALAN
jj) HENRY C. KIM
kk) JAN J. COHEN
ll) PHILIP L. KREITLEIN
mm) EMPLOYMENT SECURITY DIVISION
nn) NANCY SAMON
oo) BECKY JONES
pp) ROBERT KING
qq) KAY BARBER
rr) ROBERT MACKE
ss) KATHY L. DRAPER
tt) GARY BAUER
uu) SHARON PETERS
vv) LLOYD D. GEORGE

TABLE OF CONTENTS

Questions Presented i

Parties to Action ii

Table of Contents iv

Table of Authorities v

Introduction 1

Case History & Opinion(s) Below . . 2
(Also See Appendix, A1-P70)

Statement of Jurisdiction . . . 12

Constitutional Provisions, Treaties,
and Statutory Provisions . . . 13
. . . (Also See Appendix, S93-BB107)

Statement of Case 14

The Rulings Below 16

Reasons for Granting Writ
ISSUE I 17
ISSUE II 20
ISSUE III 22
ISSUE IV 23
ISSUE V 28

Conclusion 30

TABLE OF AUTHORITIES

CASE	PAGE
Alfredo Dunhill of London, Inc. v. Cuba 48 L.Ed.2d 301 (1976) . . .	19, 25
Argentina v. Weltover 119 L.Ed.2d 394 (1992) . . .	18, 24
Bank of the U.S. v. Planters Bank of Georgia 9 Wheat 904, 6 L.Ed. 244 (1824) . .	19, 25
Cermak v. Bata Akovia Spolecnost 80 NY2d 782, affd. 275 App. Div. 919, 43 NE 988	25
Corfield v. Coryell 6 Federal Cases 546 (1823) . . .	2, 18, 20, 22, 23, 27
Elfelt v. Cooper 471 NW2d 303 (1991) . . .	26
Flast v. Cohen 20 L.Ed.2d 947 (1968) . . .	18, 20, 22, 23, 27
Insurance Company of Ireland v. Compaigne des Bauxite 72 L.Ed.2d 492 (1982) . . .	21

Kelly v. Lunding
475 NE2d 1093 (1985) . . . 26

Osborn v. The Bank Of The United States
6 L.Ed. (9 Wheat) 204 (1824) . . 30

Popp v. Eberlien
409 F.2d 309 (1969) 26

Ruff v. Issac
573 NW2d 55 (1997) 27

U.S. v. Claiborne
727 F.2d 842 (1894) 22

CONSTITUTION FOR U.S.A. PAGE

Article I, Section 8, Clause 1 . . . 13, 18, 25, 29

Article I, Section 8, Clause 5 . . . 13, 29

Article I, Section 9, Clause 7 . . . 13, 29

Article IV, Section 2 . . . . 2, 13, 18

Article VI, Clause 2 . . . . 14, 19, 26, 29

Amendment V 14

Amendment VII 3, 14

PUBLIC LAW — PAGE

Gold Reserve Act of 1934
48 Stat. 337 . . . . . 14, 15, 22, 28

Articles Of Agreement of the IMF
60 Stat. 1401 . . . . . 14, 15, 19, 28

Special Drawing Rights Act of 1968 . . 14, 15, 16, 22, 23, 29

Public Law 88-663, 78 Stat. 1009 . 4, 20, 22, 23, 26, 27

Public Law 94-564 21

U.S. CODE — PAGE

18 U.S.C. 219 25

28 U.S.C. 1257 13

28 U.S.C. 1349 . . . . . 14, 16, 20, 21

28 U.S.C. 1603(b) 14, 19, 25, 26

28 U.S.C. 1605(a) 14, 18, 20, 22, 23, 24, 25, 27

28 U.S.C. 1651 13

28 U.S.C. 2403(a) 13

28 U.S.C. 2410(a) 14, 26

CONST. FOR THE STATE OF NEVADAPAGE

Article I, Section 2 . . . . 14, 24

Article VI, Section 6 . . . . 14, 24

Petitioners, Robert Kahre and John B. Nelson, pray that a Writ of Certiorari issue to review the March 8, 1999 Order of the Nevada Supreme Court entered in Kahre v. IMF, et al., Case No. 33601, **Apdx. A1-A5** (which denied Petitioners' application for a writ of certiorari, and which also dismissed related appeals, Case Nos. 33419 and 33684 before the Nevada Supreme Court), and related Orders, as follows: the April 27, 1994 Order issued by State District Court, Don Chairez in Case No. A323777, **Apdx. C29-C30**; all Orders and/or judgments issued and or entered in the records of USDC Case No. CV-S-93-1054-PMP, including, but not limited to, the January 10, 1994 Order entered by Philip M. Pro in the records of USDC Case No. CV-S-93-1054-PMP, **Apdx. D31-D33**; the January 11, 1994 Order entered by Philip M. Pro in the records of USDC Case No. CV-S-93-1054-PMP, **Apdx. E34-E35**; the August 30, 1994 Order entered by David Hagen in the records of USDC Case No. CV-S-93-1054-PMP, **Apdx. F36-F37;** the Order entered January 3, 1995 by USDC, Lloyd D. George, III in USDC Case No. CV-S-93-1054 LDG, **Apdx. H40-H41**; the Order entered February 16, 1995 by USDC, Lloyd D. George, III, in Case CV-S-93-1054 LDG, **Apdx. G38-G39**; and any and all Orders/judgments issued and/or entered in the records of USDC Case CV-S-94-1009 LDG, including, but not limited to, the Order entered February 24, 1995 by USDC, Lloyd D. George, III, in Case CV-S-94-1009 LDG, **Apdx. I42-I45**.

Petitioners also pray that a Writ of Certiorari issue to review whether the immunities and powers granted to the International Monetary Fund (IMF) are in contravention of the Constitution for the United States of America, and if so, can Congress created a corporate entity that is not "under Authority of the United States", grant it special privileges,

immunities, and franchises, become a corporate stockholder and member, and thereafter devise a systematic scheme to do not only what their legislative powers do not authorize but what they forbid. See Article IX of the Articles of Agreement of the International Monetary Fund, **Apdx. U97-U99**.

The March 8, 1999 judgment (**Apdx. A1-A5**) finally denied Petitioner both a Writ of Certiorari and regular appellate review of the case. Petitioners sought issuance of a Writ of Certiorari from the Nevada Supreme Court to review the proceedings below and determine, among other issues presented, if: (1) the case had been unlawfully and improvidently removed from the State District Court, County of Clark, State of Nevada ("State District Court") to the U.S. District Court ("USDC"); (2) if the courts of the State had jurisdiction over the person of the defendants; and (3) if courts of the State had jurisdiction over the subject matter in issue. References herein to "CR" are to the Clerk's record in the applicable case referred to. References to "Apdx." are to the Appendix to this Petition, which is found in a separate volume as provided herewith.

CASE HISTORY & OPINIONS BELOW

1. On October 5, 1993, Plaintiff, Robert Kahre exercised his secured right to commence an action in the Eighth Judicial District Court, County of Clark, State of Nevada ("State District Court") by filing the "Verified Complaint for Declaration in Trespass, Case, Replevin & Assumpsit, Petition for Injunction and Trial by Jury" ("Original Complaint") in the State District Court. Constitution for the United States of America, Article IV, Section 2; Corfield v. Coryell, 6 Federal Cases 546 (1823). The State District

Court case was designated as Case No. A323777.

2. Respondent, State District Court, had original jurisdiction over all the parties and the subject matter in issue as a matter of law, and as hereinafter set forth.

3. On October 26, 1993, Kathryn E. Landreth/Karen Lynn Baker, on behalf of the "United States", filed a Notice of Removal and unlawfully attempted to remove the case to the United States District Court, District of Nevada ("USDC"), and being joined by other named Defendants, attempted to have the case dismissed by USDC judges. The unlawfully removed case was assigned USDC Case No. CV-S-93-1054 PMP (LRL).

4. As hereinafter set forth, Petitioners continually objected in the State District Court to the unlawful removal of the case upon grounds of lack of jurisdiction over the person of the Defendants and over the subject matter in issue, and that the improvident and unlawful removal was intended to abrogate Petitioners' right to trial by jury as secured by the Constitution for the United States of America, Amendment VII. No hearings were ever held in the USDC cases cited herein. See "Denial of Waiver of Jurisdiction; Objection to Removal and to Extension of Time and Praecipe" in the records of State District Court Case No. A323777, CR #25.

5. On November 26, 1993, USDC, Philip Pro, absent jurisdiction, issued an Order in USDC Case No. CV-S-93-1054 PMP (LRL), CR# 23, denying Kahre's Objection to Removal.

6. On December 7, 1993, Kahre filed the "Amended Complaint and Praecipe; Objection to Philip M. Pro Pursuant to 18 U.S.C. §§ 219, 912 - Public Law 471, Chapter 456; Order of Recusal" ("first Amended Complaint") in the State District Court, containing specific allegations as against USDC, Philip M. Pro. See Case No. A 323777, CR# 39.

7. On December 8, 1993, John B. Nelson entered the case. See Case No. A 323777, Special Appearance, CR# 41.

8. On January 10 and January 11, 1994 Respondent, USDC, Philip M. Pro exceeded and usurped powers not delegated to the USDC and entered Orders in the records of USDC Case No. CV-S-93-1054-PMP, CR#s 37 and 38, granting several motions to dismiss. See **Apdx. D31-D33, E34-E35**.

9. The Orders of January 10 and January 11, 1994, entered in USDC Case No. CV-S-93-1054-PMP are null and void for want of jurisdiction as hereinafter set forth.

10. The Orders of dismissal condone and further the admitted unlawful acts and omissions of Defendants. The Orders of January 10 and January 11, 1994, are not appealable but are subject to Writ of Certiorari, or other appropriate Writ.

11. On March 3, 1994 Kahre filed the "Amended Complaint for Surrejoinder for Declaration in Trespass, Case, Replevin & Assumpsit, Petition for Injunction and Trial by Jury" ("second Amended Complaint"), Case No. A 323777, CR# 62, adding several new parties to the case, as well as Petitioner John B. Nelson, herein.

12. On April 18, 1994, a hearing was held before State District Court judge, Don P. Chairez, who refused to take jurisdiction of the case and to determine the merits as required by Public Law 88-663, 78 Stat. 1009, Part III, Section 301(d)(4). Chairez made statements that indicated that his decision was based upon certain coercive influences of certain defendants. (**Apdx. B20, line 20 - B23, line 10**, Transcript of April 18, 1994).

13. On April 27, 1994, State District Court, Don Chairez, issued an Order striking Appellants' second Amended

Complaint, and dismissing the action. See Case No. A 323777, CR#s 82 - 115, **Apdx. C29-C30**.

14. On May 24, 1994, Petitioners filed the "Petition for Reconsideration with Conclusions of Law and Fact", State District Court Case No. A323777, CR # 118, wherein they moved Don P. Chairez to issue a written Order giving conclusions of law and fact to support his determination.

15 On August 30, 1994, USDC, David Hagen, exceeded and usurped powers not delegated to the inferior USDC and unlawfully Ordered removed Case No. CV-S-93-1054 LDG dismissed. **Apdx. F36-F37**, U.S. District Court Order, August 30, 1994, CR # 93.

16. No hearings were ever held in USDC Case No. CV-S-93-1054 LDG.

17. The Order of August 30, 1994, is null and void for want of jurisdiction as hereinafter set forth.

18. The Order of August 30, 1994, is subject to Writ of Certiorari, or other appropriate Writ.

19. On October 27, 1994, Petitioners filed the "Third Amended Complaint; Pluries summons and Notice Petition for Writ of Capias" ("third Amended Complaint"). The case was reactivated in the State District Court. See Case No. A 323777, CR#s 131, 132.

20. On November 17, 1994, Kathryn E. Landreth/Alisa R. Margolis, filed a Notice of Removal and again unlawfully attempted to remove the case to the USDC, District of Nevada. The case was assigned USDC Case No. CV-S-94-01009-HDM (RJJ).

21. On January 3, 1995 USDC, Lloyd D. George, III, exceeded and usurped powers not delegated to the inferior U.S. District Court and unlawfully Ordered removed Case No. CV-S-93-1054 LDG dismissed, as well as striking the Third "Amended Complaint; Pluries summons and Notice

Petition for Writ of Capias", and directing Clerk to not file any of Plaintiff/Appellant Kahre's papers absent leave of court. (**Apdx. H40-H41**, U.S. District Court Order, January 3, 1995, CR# 104).

22. No hearings were ever held in the USDC Case No. CV-S-93-1054 LDG.

23. The Order of January 3, 1995, is null and void for want of jurisdiction as hereinafter set forth.

24. The Order of dismissal condones and furthers the admitted unlawful acts and omissions of Defendants. The Order of January 3, 1995, is not appealable but is subject to Writ of Certiorari, or other appropriate Writ.

25. On February 16, 1995, USDC, Lloyd D. George, III, exceeded and usurped powers not delegated to the inferior USDC and unlawfully Ordered the removed Case No. CV-S-93-1054 LDG dismissed as against a certain Defendant. (**Apdx. G38-G39**, Order of February 16, 1995, Case No. CV-S-93-1054 LDG, CR# 107).

26. The Order of February 16, 1995, is null and void for want of jurisdiction as hereinafter set forth.

27. The Order of dismissal condones and furthers the admitted unlawful acts and omissions of Defendants. The Order of February 16, 1995, **Apdx. G38-G39**, is not appealable but is subject to Writ of Certiorari, or other appropriate Writ.

28. On February 24, 1995, USDC, Lloyd D. George, III, exceeded and usurped powers not delegated to the inferior USDC and unlawfully Ordered the removed Case CV-S-94-1009 LDG dismissed . (**Apdx. I42-I45**, Order of February 24, 1995, CV-S-94-1009 LDG, Docket No. 9).

29. No hearings were ever held in the USDC Case No. CV-S-94-1009 LDG. The Order of February 24, 1995, is null

and void for want of jurisdiction as hereinafter set forth. The Order of dismissal condones and furthers the admitted unlawful acts and omissions of Defendants.

30. The Order of February 24, 1995, is not appealable but is subject to Writ of Certiorari, or other appropriate Writ.

31. On February 28, 1995, a hearing was held before State District Court, Lee Gates in Case No. A323777.

32. Although the hearing was scheduled, and certain jurisdictional documents were subpoenaed by Petitioners, none of the Defendants nor their attorneys appeared, nor were the subpoenaed documents produced, indicating that there were in fact back room ex parte meetings and communications between the judges and Defendants' attorneys. A written Order was entered in the records of State District Court No. A323777 on May 4, 1995. (**Apdx. J46-J48**, Order of May 4, 1995). Also see Case No. A323777, CR#s 201 - 219.

33. The Order of May 4, 1995 only pertained to Defendants Bud Mahas and Douglas R. Malan, and dismissed the case with prejudice against said Defendants "because this case was removed to Federal Court."

34. In the Order of May 4, 1995, Respondent, Lee Gates also awarded sanctions against Plaintiff Robert Kahre "in the form of attorney's fees in the amount of $2929.00 and costs in the amount of $158.00." Petitioners were not served with this Order.

35. The Order as entered on May 4, 1995 in State District Court Case No. A323777, is not appealable but is subject to Writ of Certiorari, or other appropriate Writ.

36. On August 23, 1995, Petitioners filed a Notice of Appeal to the Nevada Supreme Court, which was assigned Case No. 27558. See State District Court Case A323777, CR#249.

37. On September 28, 1995, Plaintiff appealed the case on writ process to the Supreme Court of the State of Nevada, Case No. 27521, seeking an Order of the Supreme Court commanding that a written Order be issued and entered in the State District Court records, and for other relief upon jurisdictional grounds.

38. The Nevada Supreme Court issued its Order in Case No. 27558 on November 21, 1995, determining that: (1) there were "several jurisdictional defects"; (2) that there was "no written order" in the record which "removes this matter to federal district court."; and (3) that the case was "technically still pending in the district court." (**Apdx. K49-K53**, Case No. 27558, Order of November 21, 1995).

39. On June 28, 1997, Case No. A323777 was reassigned to State District Court judge Stephen Huffaker, CR# 264. Stephen Huffaker at all times had reasonable access to the pleadings and evidence in the case and to the public records cited by Petitioners.

40. On or about September 1, 1998, Plaintiff, Robert Kahre filed a Fourth Amended Complaint in State District Court Case No. A323777, CR# 265, and served it on the named parties. No due process requirements were met by the additional Defendants, who were engaged in the same unlawful acts and omissions as the previously named Defendants.

41. On October 19, 1998, a hearing was held before State District Court, Stephen Huffaker upon the motion of Defendants, Nevada State Bank and Gordon Bywater. A transcript of said proceedings is attached hereto as **Apdx. L54-L56** and made part hereof.

42. The World Bank and IMF's attorney, Thomas Kummer, and U.S. Attorney, Kathryn Landreth were both served with subpoenas to appear at the October 19, 1998

hearing and once again produce certain jurisdictional documents. The State District Court Clerk's Office refused to file the served subpoenas.

43. Respondent, Stephen Huffaker refused to hear any arguments by the parties and dismissed the case against Nevada State Bank and Gordon Bywater, with prejudice. None of the subpoenaed documents were produced by the Defendants.

44. The Order of October 21, 1998 was drafted by Defendant, Nevada State Bank and Gordon Bywater's attorney and submitted for Respondent, Huffaker's approval and signature. The Order was entered in the records of the case on October 21, 1998. (**Apdx. M57-M59**, Order of October 21, 1998).

45. On November 9, 1998, another hearing was held before Respondent, Stephen Huffaker upon motion of Defendants Bud Mahas and Richard Malan. The World Bank and IMF's attorney, Thomas Kummer, joined in the motion and appeared in the Court to assist his associates and agents. A transcript of the proceedings is attached hereto as **Apdx. N60-N64** and made part hereof.

46. At the November 9, 1998 hearing, Stephen Huffaker had been duly presented with the issues concerning jurisdiction which were placed before the State Court by Petitioners, and, while ignoring both the issues of fact and the Law, did dismiss Case No. A 323777, and further, entered sanctions of $1000 FRNs in favor of Susan Scann and $500 FRNs in favor of joining defendants.

47. At the November 9, 1998 hearing in Case No. A323777, Stephen Huffaker refused to hear arguments by Petitioners, while allowing attorney Susan Scann to present her issues, and further, complained of the amount of evidence that was submitted by Petitioners which included the

Constitution and Public Laws of the United States, and supreme court determinations. Stephen Huffaker based his determination on determination of the court from the February 28, 1995 hearing and subsequent May 4, 1995 Order (See **Apdx. J47**), which in turn based its determination on the unlawful and improvident removal of the Case to the USDC. (**Apdx. N61, line 10 - N62, line 8**, Transcript of November 9, 1998).

48. At the November 9, 1998 hearing, Thomas Kummer asked Respondent, Stephen Huffaker, if he should write up the Order for Stephen Huffaker. Stephen Huffaker thereafter directed The World Bank and IMF's attorney to draft and submit the Order of the Court for Stephen Huffaker's approval and signature.

49. On November 25, 1998, Petitioners filed the "Petition to Reconsider Order of October 21, 1998 and Unentered Order of November 9, 1998", Case No. A323777, CR# 360, setting forth the reasons why the State Court should determine the issues presented and exercise the jurisdiction and authority of the State. The Petition was never ruled on.

50. On November 25, 1998, Petitioners filed their Joint Notice of Appeal from the Order of October 26, 1998. The Nevada Supreme Court assigned the appeal Case No. 33419.

51. On December 1, 1998, an Order related to the November 9, 1998 hearing and bearing the signatures of Stephen Huffaker and Lee Gates, was entered in the records of the case, ordering the Clerk of the Court to close the case and abide by the Order of Dismissal previously made in the case on February 28, 1995 (despite the fact that the Nevada Supreme Court had determined that the case was "technically still pending" as of November 21, 1995, see ¶ 38, supra); granting sanctions in the form of attorney's fees against Petitioner and in favor of Defendants BUD MAHAS and

DOUGLAS R. MALAN, in the amount of $1,000, and in the amount of $500.00 to every other joining Defendant consisting of the INTERNATIONAL MONETARY FUND; striking all of Petitioners Motions after February 28, 1995 as fugitive documents; and enjoining Petitioners from filing any papers or pleadings whatsoever in this case. (**Apdx. O65-O67**, Order of December 1, 1998).

52. The Order of December 1, 1998, is subject to Writ of Certiorari, or other appropriate Writ.

53. On December 18, 1998, an Order related to the November 9, 1998 hearing signed by Stephen Huffaker was entered into the records of the case, ordering the Clerk of the Court to close the case and abide by the Order of Dismissal previously made in the case on February 28, 1995; granting sanctions in the form of attorney's fees against Petitioner and in favor of joining Defendants CONAM MANAGEMENT, JOHN L. THORNDAL, and BLAIR C. PARKER, in the amount of $500.00; striking all of Petitioners' Motions filed after February 28, 1995 as fugitive documents; and enjoining Petitioners from filing any papers or pleadings whatsoever in the case. (**Apdx. P68-P70**, Order of December 18, 1998).

54. The Order of December 1, 1998, is subject to Writ of Certiorari, or other appropriate Writ.

55. In his Orders of December 1, 1998 and December 18, 1998, Respondents, Stephen Huffaker and Lee Gates, relied on the determinations of Lee Gates on February 28, 1995. The Order pertaining to said determinations of Lee Gates was entered in the records of the case on May 4, 1995. See **Apdx. J46-J48**.

56. On January 13, 1999, Petitioners made an application for Writ of Certiorari to the Supreme Court of the State of Nevada, which was assigned Case No. 33601.

57. On January 13, 1999, Petitioners filed their Joint Notice of Appeal from the Orders of March 4, 1995, December 1, 1998, and December 18, 1998, as entered in State District Court Case No. A323777, CR#s 373, 374. The Nevada Supreme Court assigned the appeal Case No. 33684.

58. On March 8, 1999, the Supreme Court of the State of Nevada entered its Order denying a non-existent petition for "writ of mandamus" (**Apdx. A3**), perhaps denying the Writ of Certiorari, Case No. 33601, and denying the appeals 33419 and 33684 before they were filed in the Court, and directing the Court Clerk to refuse to file any pleadings or documents submitted by Petitioners, and sanctioning Robert Kahre 3000 for submitting a frivolous application for Writ of Certiorari. See **Apdx. A1-A5**.

59. On March 24, 1999, Petitioners submitted an appeal brief for review and determination by the Nevada Supreme Court for Case No. 33684. The brief was returned by the Clerk of Court without being filed, leaving Petitioners without any plain, speedy or adequate remedy.

JURISDICTION

Petitioners move for review on certiorari of the March 8, 1999 Order of the Nevada Supreme Court entered in Kahre v. IMF, et al., Case No. 33601 entered, **Apdx. A1-A5** (which denied Kahre's application for a writ of certiorari, and which also dismissed related appeals, Case Nos. 33419 and 33684 before the Nevada Supreme Court), and following related Orders: the January 10, 1994 Order entered by Philip M. Pro in the records of USDC Case No. CV-S-93-1054-PMP, **Apdx. D31-D33**; the January 11, 1994 Order entered by Philip M. Pro in the records of USDC Case No. CV-S-93-

1054-PMP, **Apdx. E34-E35;** the April 27, 1994 Order issued by State District Court, Don Chairez in Case No. A323777, **Apdx. C29-C30**; the August 30, 1994 Order entered by David Hagen in the records of USDC Case No. CV-S-93-1054-PMP, **Apdx. F36-F37;** the Order entered January 3, 1995 by Respondent, USDC, Lloyd D. George, III in USDC Case No. CV-S-93-1054 LDG, **Apdx. H40-H41**; the Order entered February 16, 1995 by Respondent, USDC, Lloyd D. George, III, in Case CV-S-93-1054 LDG, **Apdx. G38-G39**; and the Order entered February 24, 1995 by Respondent, USDC, Lloyd D. George, III, in Case CV-S-94-1009 LDG, **Apdx. I42-I45**.

Jurisdiction is invoked pursuant to 28 U.S.C. 1257, or in the alternative 28 U.S.C. 1651. 28 USC § 2403(a) may apply in this case. To the best of Petitioners' knowledge, no court of the United States has certified the Attorney General that the constitutionality of an Act of Congress was draw into question.

CONSTITUTIONAL AND STATUTORY PROVISIONS

The Constitutional provisions, international agreements, and statutes involved in the case are voluminous, and are therefore contained in the Appendix to this Petition, as follows:

1. Constitution for the United States of America Article I, Section 8, Clause 1, see **Apdx. S93**.
2. Constitution for the United States of America Article I, Section 8, Clause 5, see **Apdx. S93**.
3. Constitution for the United States of America Article I, Section 9, Clause 7, see **Apdx. S93**.
4. Constitution for the United State of America, Article IV, Section 2, Clause 1, see **Apdx. S93**.

5. Constitution for the United States of America, Article VI, Clause 2, see **Apdx. S94**.
6. Constitution for the United States of America, Amendment V, see **Apdx. S94**.
7. Constitution for the United State of America; Amendment VII, see **Apdx. S94-S95**.
8. Articles of Agreement of the International Monetary Fund, Article IX, Section 3, 60 Stat. 1413, see **Apdx. U97-U99**.
9. 28 U.S.C. 1349, see **Apdx. U100**.
10. Gold Reserve Act of 1934, 73d Congress, Session II, Chapter 6, Section 10(b), see **Apdx. Z104**.
11. Special Drawing Rights Act of 1968, Public Law 90-349, 82 Stat. 188, Sections 3 & 4, , see **Apdx. AA105-AA106**.
12. Foreign Sovereign Immunities Act of 1976, 28 U.S.C. 1603(b), see **Apdx. W101**.
13. Foreign Sovereign Immunities Act of 1976, 28 U.S.C. 1605(a)(2), see **Apdx. X102**.
14. 28 U.S.C. 2410(a), see **Apdx. Y103**.
15. Public Law 88-633, 78 Stat. 1009, Part III, Chapter I, Section 301(c)(4), see **Apdx. BB107**.
16. Constitution for the State of Nevada, Article 1, Section 2, see **Apdx. T96**.
17. Constitution for the State of Nevada, Article VI, Section 6, see **Apdx. T96**.

STATEMENT OF THE CASE

Petitioner, Robert Kahre commenced an action at law in the State District Court to obtain redress of grievance and

remedy for the unlawful and wrongful taking of real and personal property located within the State, Case No. A 323777. The principal instrumentalities, the International Monetary Fund (IMF) and the International Bank for Reconstruction and Development (The World Bank) were named as parties, along with their corporator, the United States (de facto), and their agents. The Gold Reserve Act of 1934, Section 10(b), as amended by the Special Drawing Rights Act of 1968, and the Exchange Stabilization Fund created thereunder, were an integral part of a systematic scheme complained of by Kahre, which was the proximate cause of damages to Kahre and others. Petitioner John B. Nelson later joined the case.

The case was removed to U.S. District Court under the continued jurisdictional objections of Petitioners and as filed in the State District Court. The question of whether the immunities and powers granted to the International Monetary Fund (IMF) are in contravention of the Constitution for the United States of America and related matters were raised early on in the State District Court proceedings in Case A323777, as were direct jurisditional objections. See State District Court Case No. A323777, "Denial of Waiver of Jurisdiction; Objection to Removal and to Extension of Time and Praecipe", CR# 25; and "Plaintiff's Replication and Response to Defendant, Nevada State Bank's "Motion to Dismiss Compliant and for Imposition of Sanctions" and Praecipe", CR # 30. The U.S. District Court does not have personal jurisdiction over the IMF according to the Articles of Agreement of the IMF, Article IX, Section 3, **Apdx. U97**, and does not have jurisdiction over its commercial transactions as executed under the Gold Reserve Act of 1934, Section 10(b), **Apdx. Z104**,i.e., the Exchange Stabilization

Fund, as amended by the Special Drawing Rights Act of 1968, **Apdx. AA105-AA106**. The United States (de facto), as corporator and voting share stockholder in The IMF and The World Bank, does not own over fifty (50%) percent of the corporate stock thereby precluding the U.S. District Court from entertaining the action under 28 U.S.C. 1349, **Apdx. V100**. The judgments and orders of the U.S. District Court in Cases CV-S-93-1054PMP and CV-S-94-1009-LDG are void for want of jurisdiction over the persons and subject matter in issue. The merits of the case have not been addressed. No findings of fact or conclusions of law appear in the record. At this time, the character and capacity of numerous defendants has not been determined, and no certification of such character and capacity has been placed in evidence at any time.

THE RULINGS BELOW

After the unlawful removal, Petitioner made application by appeal and writ to the Nevada Supreme Court. See Nevada Supreme Court Cases 27558 and 27521. The State Supreme Court determined that the case was "technically still pending" in the State District Court. (**Apdx. K51**). Petitioner thereafter amended the complaint, and default was entered against several of the named defendants, including the IMF, The World Bank, and their collection agents. The case was thereafter dismissed in the State District Court upon grounds that it had been removed to U.S. District Court, in contravention of the Nevada Supreme Court's November 21, 1995 Order, **Apdx. K51**. On November 25, 1998, Petitioners filed their Joint Notice of Appeal from the Order of October 26, 1998 in State District Court Case A323777, CR #358. The Nevada Supreme Court

assigned the appeal Case No. 33419. On January 13, 1999, Petitioners filed their Joint Notice of Appeal from the Orders of March 4, 1995, December 1, 1998, and December 18, 1998, as entered in State District Court Case No. A323777, CR# 373, 374.

The Nevada Supreme Court assigned the appeal Case No. 33684. The questions presented on appeal in Nevada Supreme Court Case No. 33419 are summarized under **Apdx. Q71**. The questions presented to the Nevada Supreme Court in Case No. 33684 are moot as the Clerk refused to file Petitioners' opening brief as per Order of the Court. Said Opening Brief will be provided to this court upon demand.

Petitioner thereafter made application for writ of certiorari to the Nevada Supreme Court on January 13, 1999, assigned Case No. 33601. The issues presented to the Nevada Supreme Court via said petition for writ of certiorari are summarized under **Apdx. R72-R92**.

On March 8, 1999, the Nevada Supreme Court denied a non-existent petition for writ of mandamus. See **Apdx. A3**. The court may also have denied the application for the Writ of Certiorari as filed by Petitioners, and also denied the appeals in Cases 33419 and 33684 which had not even been filed yet. The appeals were dismissed before the briefs were filed with the Clerk of Court. The jurisdictional issues are raised herein. Petitioners are left without any plain, speedy, adequate or pacific remedy.

REASONS FOR GRANTING THE WRIT

ISSUE I.

The USDC unlawfully assumed jurisdiction over a case

in which the IMF was a party, and in contravention of the Articles of Agreement of the IMF.

Robert Kahre commenced an action at law in the District Court, Clark County, State of Nevada, as secured by the Constitution for the United States of America, Article IV, Section 2, and Amendment VII, **Apdx. S93-S95**. Corfield v. Coryell, 6 Federal Cases 546 (1823). The IMF and The World Bank were named in the original State Court action as principal actors in a systematic scheme which was used to deprive Kahre of his property and rights to property as located in the State of Nevada. The issues included, but were not limited to, the collection of contributions under pretense of tax for purposes other than those enumerated in the Constitution for the United States of America, Article I, Section 8, Clause 1, **Apdx. S93**. Flast v. Cohen, 392 U.S. 83, 20 L.Ed.2d 947, 88 S.Ct. 1942 (1968). The World Bank plead that: (1) the United States was a stockholder along with 175 other Nations; (2) The World Bank is capitalized by its members, including the United States; (3) The World Bank borrows money, sells bonds, and lends money; (4) that the funds obtained from the United States were used to make loans and guarantees to other Nations; (5) membership in The World Bank was limited to those that are members in the IMF. (**Apdx. CC108-CC115**, Case No. CV-S-93-01054-PMP, Memorandum Of Points And Authorities In Support Of Defendant's Motion To Dismiss For Lack Of Personal Jurisdiction And Failure To State A Claim, CR # 28). The IMF, The World Bank, and its corporators were involved in commercial activity in other countries, and that activity had a direct effect in the United States. (28 U.S.C. 1605(a)(2), **Apdx. X102**; Argentina v. Weltover, 504 U.S. 607, 119

L.Ed.2d. 394, 112 S. Ct. 2160 (1992). The IMF and The World Bank are the instrumentalities within the meaning of 28 U.S.C. 1603(b). **Apdx. W101**. Entry of default was entered against the IMF and The World Bank in the State District Court. See **Apdx. DD116-DD119**.

The IMF and The World Bank have an interlocking Board of Governors, including the Secretary of Treasury. The United States was named in its capacity as a corporator and voting share stockholder in the IMF and The World Bank, not in its sovereign character and capacity. (Alfred Dunhill of London v. Cuba, 425 U.S. 682, 48 L.Ed.2d 301, 96 S.Ct. 1854 (1976); Bank of the United States v. Planters Bank of Georgia, 9 Wheat 904, 6 L.Ed. 244 (1824). The named agents were acting under the direction and control of the Secretary of Treasury, one of the seven Governors of the IMF and The World Bank. Entry of default was entered against the agents in the State District Court. See **Apdx. DD120-DD129**.

After commencing the action in the State District Court, U.S. Attorney, Kathryn Landreth attempted to remove the case to U.S. District Court. Robert Kahre objected to the removal in the State Court upon jurisdictional grounds. Case No. A323777, CR#s 25, 30. The IMF refused personal service of the summons and complaint. The IMF claims immunity from the judicial process of the United States under Articles of Agreement of the International Monetary Fund, Article IX, Section 3, 60 Stat. 1413, **Apdx. U97**, and in effect, that the international lending institution is not "under Authority of the United States" in contravention of the Constitution for the United States of America, Article VI, Clause 2, **Apdx. S94**.

No hearings or discovery were ever had in the U.S.

District Court, and while lacking personal jurisdiction over the principals, the IMF and World Bank, the U.S. District Court, dismissed the case as against all the parties that aided, abetted, counseled, commanded, procured, or furthered the systematic scheme complained of. (**Apdx. D31-I45**, Case No. CV-S-93-1054 PMP Orders of January 10, 1994, January 11, 1994, August 30, 1994, January 3, 1995, February 16, 1995, February 24, 1995).

The removal of the case from State District Court to the U.S. District Court was in excess of authority and unlawful. The orders of the U.S. District Court are void and of no effect for want of personal jurisdiction over the principal instrumentality. The Nevada State Court, while relying on the removal to U.S. District Court, denied Robert Kahre's legal arguments and refused to entertain the action and determine the issues on their merits, thereby depriving Petitioner of his right to due process and equal protection of the law. 28 U.S.C. 1605(a)(2).**Apdx. X102**; Public Law 88-633, 78 Stat. 1009, Part III, Chapter I, Section 301(c)(4), supra, **Apdx. BB107**; Corfield v. Coryell, 6 Federal Cases 546 (1823); Flast v. Cohen, 392 U.S. 83, 20 L.Ed.2d 947, 88 S.Ct. 1942 (1968).

ISSUE II.

The USDC unlawfully assumed jurisdiction over the IMF and World Bank when the United States does not own more than fifty (50%) percent of the voting share stock in the instrumentalities, and in contravention of 28 U.S.C. 1349

Robert Kahre objected to the removal of the case to U.S. District Court upon grounds that the United States does not own sufficient capital stock in the IMF and The World

Bank. See "Denial Of Waiver Of Objection To Removal And Extension Of Time And Praecipe", pg. 5, lines 2 - 7 and 24 - 27, Case No. A323777, CR # 25. Robert Kahre served subpoenas on The World Bank, the IMF, and the United States requesting the production of the voting share stocks, loan and loan guarantee contracts, an accounting of public funds, and other jurisdictional documents on several occasions. See Case No. A323777, CR#s 201 - 219, and ¶ 42, supra. The documents and accounting were never produced and the State District Court did not enforce the subpoenas. The pleadings of the instrumentalities and their corporator are properly deemed to be untrue. Insurance Corp. of Ireland v. Compagnie Des Bauxite De Guinea, 456 U.S. 694, 72 L.Ed.2d 492, 102 S.Ct. 2009 (1982).

The Court will take judicial notice that the United States only held 19.96 percent of the voting share stock in the IMF in 1976. (Public Law 94-564, 90 Stat. 2660, Senate Report 94-1148, Congressional & Administrative News, pgs. 5955 & 5957). 28 U.S.C. 1349 is clear and unambiguous.

> "The [U.S.] district courts shall not have jurisdiction of any civil action by or against any corporation upon the grounds that it was incorporated by or under an Act of Congress, unless the United States is the owner of more than one-half of its capital stock."

The U.S. District Court does not have jurisdiction over the IMF and The World Bank as instrumentalities. The United States does not have sufficient capital stock in the IMF and The World Bank to sustain an action in the U.S. District Court .

The removal of case A323777 from State District Court to the U.S. District Court in Cases CV-S-93-1054PMP and CV-S-94-1009 LDG was in excess of authority and unlawful. The orders of the U.S. District Court are void and of no effect for want of personal jurisdiction over the principal instrumentalities. The Nevada State Court, while relying on the removal to U.S. District Court, denied Robert Kahre's legal arguments and refused to entertain the action and determine the issues on their merits, thereby depriving Petitioner of due process and equal protection of the law. 28 U.S.C. 1605(a)(2), **Apdx. X102**; Public Law 88-633, 78 Stat. 1009, Part III, Chapter I, Section 301(c)(4), **Apdx. BB107**; Corfield v. Coryell, 6 Federal Cases 546 (1823); Flast v. Cohen, 392 U.S. 83, 20 L.Ed.2d 947, 88 S.Ct. 1942 (1968).

ISSUE III.

The judges of the USDC lack subject matter jurisdiction over the "Exchange Stabilization Fund" (ESF) as created under the Gold Reserve Act of 1934, Section 10(b), and as amended by the Special Drawing Rights Act of 1968.

The issues raised in the complaint, as amended, and the systematic scheme complained of pertained to the acts and omissions of the named instrumentalities, their corporator, the United States, and their agents. The "Exchange Stabilization Fund" created under section 10(b) of the Gold Reserve Act of 1934, and as amended by the Special Drawing Rights Act of 1968, are an integral and inseparable part of that scheme. See **Apdx. Z104-AA106**.

U.S. District Court judges are officers of the United States. U.S. v. Claiborne, 727 F.2d 842 (1984). Section 10(b) of the Gold Reserve Act of 1934, **Apdx. Z104,** expressly

states that the Exchange Stabilization Fund and its operations are excluded and immune from review by any officer of the United States. The amendment of the Gold Reserve Act by the Special Drawing Rights Act of 1968, did not change the exclusion, **Apdx. AA105-AA106**. The fact that the Special Drawing Rights transactions are accomplished through a "certificate", i.e., an international letter of credit, is indisputable. The fact that the "Exchange Stabilization Fund" and SDRs are used to provide financial aid and assistance to foreign countries, is also indisputable, right along with the fact that the American taxpayer is the ultimate party providing the initial contributions for loans, grants, and guarantees, and further, is held liable for payment of defaults on such loans and guarantees.

The U.S. District Court judges lack authority to review the issues concerning the scheme, as a matter of law. The removal of the case from State District Court to the U.S. District Court was in excess of authority and unlawful. The orders of the U.S. District Court are void and of no effect for want of subject matter jurisdiction. The Nevada State Court, while relying on the removal to U.S. District Court, denied Robert Kahre's legal arguments and refused to entertain the action and determine the issues on their merits, thereby depriving Petitioners of due process and equal protection of the law. 28 U.S.C. 1605(a)(2),**Apdx. X102**; Public Law 88-633, 78 Stat. 1009, Part III, Chapter I, Section 301(c)(4), **Apdx. BB107**, Corfield v. Coryell, 6 Federal Cases 546 (1823); Flast v. Cohen, 392 U.S. 83, 20 L.Ed.2d 947, 88 S.Ct. 1942 (1968).

ISSUE IV.

The State District Court has jurisdiction over the IMF

and The World Bank as instrumentalities and its corporators in accordance with the Foreign Sovereign Immunities Act, 28 U.S.C. 1605(a)(2).

Petitioner Robert Kahre commenced an action at law in the State District Court which had jurisdiction over the persons and subject matter in issue, in accordance with the Constitution for the State of Nevada, Article VI, Section 6, **Apdx. T96**, and as subject to the mandates of the Constitution for the State of Nevada, Article 1, Section 2, **Apdx. T96**. The named defendant instrumentalities and their corporator, the United States (de facto), were engaged in commercial activity, as admitted by The World Bank. (**Apdx.CC108-CC115**, Case No. CV-S-93-01054-PMP, Memorandum Of Points And Authorities In Support Of Defendant's Motion To Dismiss For Lack Of Personal Jurisdiction And Failure To State A Claim, CR# 28); Argentina v. Weltover, 504 U.S. 607, 119 L.Ed.2d. 394, 112 S. Ct. 2160 (1992). The initial funds to engage in the international lending scheme were obtained from the American taxpayers. When foreign countries default on the loans and extensions of credit, the defendant instrumentalities and their corporator, the United States, sought and obtained contributions from the American taxpayer to pay the debts of foreign countries, thereby causing a direct effect in the United States. The funds are obtained through the collection activities of the Governor of the IMF and The World Bank, the Secretary of Treasury, and his agents. The issue raised in the complaint, as amended, as to whether it is beyond the delegated powers of Congress to lay and collect taxes for the common defense and general welfare of foreign countries, and to pay their debts under the Bretton Woods Agreement has

not been determined. Cermak v. Bata Akovia Spolecnost, 80 NY2d 782, affd. 275 App. Div. 919, 43 NE 988.

Robert Kahre complained that the collection activities and liens, which clouded title to real and personal property in the State of Nevada, and the subsequent sale and conversion of said property under pretense of the United States, was in fact intended to further a systematic scheme to solicit and collect information, contributions, money, loans, or other things of value for or in interest of foreign principals and powers, and that said activity was in contravention of the Constitution for the United States of America, Article I, Section 8, Clause 1, **Apdx. S93**, and existing domestic law. 18 U.S.C. 219.

The Foreign Sovereign Immunities Act of 1976, as codified at 28 U.S.C. 1605(a)(2), **Apdx. X102.** expressly acknowledges that the courts of the State have jurisdiction over a foreign State, and their commercial activities which have a direct impact in the United States. Foreign State includes an "instrumentality." 28 U.S.C. 1603(b), **Apdx. W101.** The World Bank and the IMF are separate legal entities according to their corporate charters and the privileges and immunities declared therein. The World Bank plead that it has 176 countries as stockholders, and it is reasonably presumed from the same pleading that there are at least 176 countries that are stockholders in the IMF. A majority of the voting share stock is held by foreign countries or political subdivisions. 28 U.S.C. 1603(b)(2), **Apdx. W101**. The United States is only one of the voting share stockholders, and was sued in that capacity, not in its sovereign character and capacity. (Alfred Dunhill of London v. Cuba, 425 U.S. 682, 48 L.Ed.2d 301, 96 S.Ct. 1854 (1976); Bank of the United States v. Planters Bank of Georgia, 9

Wheat 904, 6 L.Ed. 244 (1824). The IMF articles of incorporation claim immunity from: (1) the judicial, executive, and legislative action of any member country; (2) the imposition of taxes on its property, assets, and securities, or on its officers, or employees; (3) immunity from search, seizure, expropriation, or other takings; and further, claims the absolute inviolability of its papers and records. The entities are not citizens of a State of the United States, were not created "under the Authority of the United States" in accordance with the Constitution for the United States of America, Article VI, Clause 2, and were not created "under" the laws of any country. 28 U.S.C. 1603(b)(3). See **Apdx. S94, W101**.

The statutory limitations upon review of the Exchange Stabilization Fund by any officer of the United States, as imposed under Section 10(b) of the Gold Reserve Act of 1934, and as amended by the Special Drawing Rights Act of 1968, supra, do not apply to officers of a State, including judicial officers of the State. Likewise, Public Law 88-633, 78 Stat. 1009, Part III, Chapter I, Section 301(c)(4), **Apdx. BB107**, directs that no court in the United States can decline to determine a case on the merits because a taking or expropriation was committed under pretense or pretext of an "act of state." Public Law 88-633, Section 301(c)(4) was read into the records during the State District Court hearing held on April 18, 1994. **Apdx. B18, line 25 - B19, line 17**. The State District Court refused to hear or determine the merits of the case.

The State Court's jurisdiction to determine the validity of tax liens filed in the State is also recognized. 28 U.S.C. 2410, Popp v. Eberlien, 409 F.2d 309 (1969); Kelly v. Lunding, 475 N.E.2d 1093 (1985); Elfelt v. Cooper, 471

N.W.2d 303 (1991); Ruff v. Issac, 573 N.W.2d 55 (1997) The unlawful taking of certain real property is again before the State District Court in James W. Anderson v. Robert Kahre, Case No. A396749. Anderson was one of the unknown Does named in the original complaint in Case no. A323777. The real property in issue is the same in both cases, the parties are the same, and several of the issues are the same.

The State District Court in Anderson has determined that it has jurisdiction over the property in question, and that there was a taking. See Transcript of March 15, 1999 hearing in State District Court Case No. A396749, **Apdx. EE130-EE134**. The usurpation by U.S. District Court and the refusal of the State District Court to hear and determine the cause on the merits has cause multiplicity of actions. Of no less importance, it establishes a long train of abuses and double standards which have been consistently used against Robert Kahre to prejudice and abrogate his rights.

As shown, the State Court has jurisdiction over the person of all the defendants and over the subject matter in issue and can provide remedy. Nevertheless, the Nevada State Court, while relying on the unlawful and improvident removal to U.S. District Court, denied Robert Kahre's legal arguments and refused to entertain the action and determine the issues on their merits, thereby depriving Petitioner of due process and equal protection of the law. 28 U.S.C. 1605(a)(2), **Apdx. X102**; Public Law 88-633, 78 Stat. 1009, Part III, Chapter I, Section 301(c)(4), **Apdx. BB107**, Corfield v. Coryell, 6 Federal Cases 546 (1823); Flast v. Cohen, 392 U.S. 83, 20 L.Ed.2d 947, 88 S.Ct. 1942 (1968).

ISSUE V.

The immunities and powers granted to the IMF are in contravention of the Constitution for the United States of America. Congress created a corporate entity that is not "under Authority of the United States"; granted it special privileges, immunities, and franchises; became a corporate stockholder and member; and thereafter devise a systematic scheme to do not only what their legislative powers do not authorize but what they forbade.

Petitioners complained of the systematic scheme devised by and between the defendant international organizations and their corporators. The scheme was implemented and enforced as against Petitioners, and was the proximate cause of the damages which gave rise to the action. The IMF was instrumental and inseparable in this scheme. The IMF claims immunity from the judicial, legislative, and executive action of any voting share stockholder and member. The immunity is claimed under Article IX of the Articles of Agreement of the International Monetary Fund, 60 Stat. 1413, 1414, **Apdx. U97-U99**. The United States is a voting share stockholder in the IMF, along with at least 176 other countries, and has given effect to the agreement throughout and within the United States.

The IMF also claims under Article IX that it is exempt from any form of taxation, search, seizure, taking or expropriation of any of its property, assets, securities, etc., and that its records are inviolable. The systematic scheme as complained of by Petitioner was inseparable from the IMF and its corporators. The Exchange Stabilization Fund created under the Section 10(b) of the Gold Reserve Act of 1934, and

as amended by the Special Drawing Rights Act of 1968, (**Apdx. Z104-AA106**) are an integral and inseparable part of said scheme. The systematic scheme complained of was and is patently unconstitutional upon numerous grounds, including but not limited to, the Articles of Agreement of the IMF are not *"under authority of the United States"*, in accordance with the Constitution for the United States of America, Article VI, Clause 2, **Apdx. S94**.

The IMF regulates the value of money in the member countries, including the United States. The Constitution for the United States of America, Article I, Section 8, Clause 5, **Apdx. S93**, expressly delegates the power and obligation to regulate the value of money in the United States, and that of foreign coin, to Congress.

No public accounting of the receipts and expenditures of contributions collected from the taxpayers is available, or will be made available under Article IX, Sections 3, 4, 5, 6, 7, and 8 of the Article of Agreement of the IMF, **Apdx. U97-U99**, all in contravention of the Constitution for the United States of America, Article I, Section 9, Clause 7.

The immunity from taxation declared in Article IX, Section 9, of the corporate Agreement of the IMF is in contravention of the uniformity clause in Article I, Section 8, Clause 1 of the Constitution for the United States of America. See **Apdx. S93**.

The Articles of Agreement of the IMF, as amended, are patently unconstitutional, along with the systematic scheme which was devised, implemented, and enforced against Petitioner by the Governor of the IMF, the Secretary of Treasury, its corporator, the United States, and their agents. Any grant of special privileges, immunities, or franchises to a corporation are subject to Constitutional

scrutiny and limitations. Osborn v. The Bank of the United States, 6 (9 Wheat) L.Ed. 204 (1824).

The Articles of Agreement of the IMF, and the complained of systematic scheme have left Petitioner without right or plain, speedy, adequate, or pacific remedy, and wholly in want of justice under the Law of the Land.

CONCLUSION

For the foregoing reasons, the Petitioners respectfully pray that the petition for a writ of certiorari be granted.

Dated this 4th day of June, 1999.

Respectfully submitted by Petitioners Robert Kahre and John B. Nelson, herein.

Robert Kahre, In pro per
(Petitioner of record)
6049 Boulder Highway
Las Vegas, Nevada 89122
(702) 454-9221

John B. Nelson, In pro per
3277 Roswell Rd., N.E
Suite 366
Atlanta, GA. 30305

Supreme Court, U.S.
FILED

982031 JUN 7 1999

CASE NO. _____

IN THE
Supreme Court of the United States of America

ROBERT KAHRE; JOHN NELSON
Petitioners
vs.
IMF, THE WORLD BANK, ET AL.

ON PETITION FOR WRIT OF CERTIORARI
TO THE
SUPREME COURT OF THE
STATE OF NEVADA AND
UNITED STATED DISTRICT COURT FOR THE
DISTRICT OF NEVADA

APPENDIX
TO PETITION FOR WRIT OF CERTIORARI

Robert Kahre, In pro per
(Petitioner of record)
6049 Boulder Highway
Las Vegas, Nevada 89122
(702) 454-9221

John B. Nelson, In pro per
3277 Roswell Rd., N.E
Suite 366
Atalanta, GA. 30305

14 pp

CONTENTS OF APPENDIX

OPINION, ORDERS, ETC. TO BE REVIEWED

Nevada Supreme Court Order of March 8, 1999, pertaining to Case Nos. 33601, 33419, and 33684 . . A1-A5

Transcript of April 22, 1994 hearing before State District Court, Don Chairez, Case No. A323777 . . . B6 - B28

Order of April 27, 1994 of Don Chairez, State District Court Case No. A323777 . . . . C29 - C30

Order of January 10, 1994 of Philip M. Pro entered in USDC Case No. CV-S-93-1054 (PMP). . . D31 - D33

Order of January 11, 1994 of Philip M. Pro entered in USDC Case No. CV-S-93-1054 (PMP). . . E34 - E35

Order of August 30, 1994 of David Hagen, entered in USDC Case No. CV-S-93-1054 (PMP). . . F36 - F37

Order of February 16, 1995 of Lloyd D. George, entered in USDC Case No. CV-S-93-1054 (PMP). . . G38 - G39

Order of January 3, 1995 of Lloyd D. George, entered in USDC Case No. CV-S-93-1054 (PMP). . . H40 - H41

Order of February 24, 1995 of Lloyd D. George, entered in USDC Case No. CV-S-93-1009 (LDG). . . I42 - I45

Order of May 4, 1995 of Lee Gates, entered in State District Court Case No. A323777 . . . . J46 - J48

Order of November 25, 1995 of the Nevada Supreme Court, entered in Case No. 27558 . . . . . K49 - K53

Transcript of October 19, 1998 hearing before State District Court, Stephen Huffaker, in State District Court Case No. A323777 . . . . L54 - L56

Order of October 21, 1998 of Stephen Huffaker in State District Court Case No. A323777 . . . . M57 - M59

Transcript of November 9, 1999 hearing before State District Court, Stephen Huffaker in State District Court Case No. A323777 . . N60-N64

Order of December 1, 1998 of Stephen Huffaker and Lee Gates in State District Court Case No. A323777 . O65 - O67

Order of December 18, 1998 of Stephen Huffaker in State District Court Case No. A323777 . . . P68 - P70

SUMMARY OF CERTAIN ISSUES RAISED IN THE LOWER COURTS

Summary of issues raised on Appeal from the Order of October 26, 1998 in Nevada Supreme Court Case No. 33419 . Q71

Summary of issues presented in petition for writ of certiorari to the Nevada Supreme Court, Case No. 33601 . . . . . R72 - R92

CONSTITUTIONAL PROVISIONS, TREATIES, STATUTES, ETC.

Constitution for the United States of America Article I, Section 8, Clause 1, . . S93

Constitution for the United States of America Article I, Section 8, Clause 5, . . S93

Constitution for the United States of America Article I, Section 9, Clause 7, . . S93

Constitution for the United State of America, Article IV, Section 2, Clause 1, . . S93

Constitution for the United States of America, Article VI, Clause 2, ... S94

Constitution for the United States of America, Amendment V, . . . S94

Constitution for the United State of America, Amendment VII, ... S94-S95

Constitution for the State of Nevada, Article 1, Section 2, ... T96

Constitution for the State of Nevada, Article VI, Section 6, ... T96

Articles of Agreement of the International Monetary Fund, Article IX, Section 3, 60 Stat. 1413, U97-U99

28 U.S.C. 1349, ... V100.

Foreign Sovereign Immunities Act of 1976, 28 U.S.C. 1603(b), ... W101

Foreign Sovereign Immunities Act of 1976, 28 U.S.C. 1605(a)(2), ... X102.

28 U.S.C. 2410(a), ... Y103

Gold Reserve Act of 1934, 73d Congress, Session II, Chapter 6, Section 10(b), . . . Z104

Special Drawing Rights Act of 1968, Public Law 90-349, 82 Stat. 188, Sections 3 & 4, see AA105-AA106

Public Law 88-633, 78 Stat. 1009, Part III, Chapter I, Section 301(c)(4), ... BB107

OTHER MATERIAL ESSENTIAL TO THE UNDERSTANDING OF THE PETITION

"Memorandum Of Points And Authorities In Support Of Defendant's Motion To Dismiss For Lack Of Personal Jurisdiction And Failure To State A Claim", Case No. CV-S-93-01054-PMP, CR # 28 as filed by attorneys for the IMF and World Bank . . . . . CC108 - CC115

Default as filed against the IMF in State District Court Case A323777 . DD116- DD117

Default as filed against the World Bank in State District Court Case A323777 . DD118- DD119

Default as filed against Gary Bauer in State District Court Case A323777 . DD120- DD121

Default as filed against Brian McMahon in State District Court Case A323777 . DD122- DD123

Default as filed against Ron Smith in
State District Court Case A323777 . DD124- DD125

Default as filed against Walt Budzinski in
State District Court Case A323777 . DD126- DD127

Default as filed against Cedrick Nelson in
State District Court Case A323777 . DD128- DD129

Transcript of March 15, 1999 hearing in
State District Court Case No. A396749 EE130 - EE135

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE PEOPLE OF THE STATE OF NEVADA, EX REL, CITIZEN ROBERT KAHRE, THE AMERICAN NATIONAL PEOPLE, THE PEOPLE OF THE STATE OF COLORADO, SUI JURIS, JOHN B. NELSON,	)	No. 33419
Appellants,	)	FILED MAR 08 1999 JANETTE M. BLOOM CLERK OF THE SUPREME COURT BY s/J. Richards CHIEF DEPUTY CLERK
vs.	)	
NEVADA STATE BANK AND GORDON BYWATER,	)	
Respondents.	)	
	)	No. 33601
ROBERT KAHRE, JOHN B. NELSON,	)	
Petitioners,	)	
vs.	)	
THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF	)	

CLARK,AND, THE HON.)
STEPHEN L. HUFFAKER,)
DISTRICT JUDGE, THE)
HONORABLE LEE A. GATES)
DISTRICT JUDGE, U.S.)
DISTRICT COURT, LLOYD)
D. GEORGE, III,)
Respondents,)
)
and)
)
BUD MAHAS, DOUGLAS R.)
MALAN, NEVADA STATE)
BANK,GORDON BYWATER,)
INTERNATIONAL)
MONETARY FUND,)
CONAM MANAGEMENT,)
JOHN L. THORNDAL, AND)
BLAIR C. PARKER,)
)
Real Parties In Interest.)
_____)
THE PEOPLE OF THE STATE) No. 33684
OF NEVADA, EX REL,)
CITIZEN ROBERT KAHRE,)
THE PEOPLE OF THE STATE)
OF COLORADO, SUI JURIS,)
JOHN B. NELSON,)
)
Appellants,)
)
vs.)
)

BUD MAHAS, DOUGLAS R.)
MALAN, INTERNATIONAL)
MONETARY FUND,)
CONAM MANAGEMENT,)
JOHN L. THORNDAL, AND)
BLAIR C. PARKER,)
)
Respondents.)
_____)

ORDER DISMISSING PROPER PERSON APPEALS AND DENYING PROPER PERSON PETITION FOR WRIT OF MANDAMUS

These proper person appeals (Docket Nos. 33419 and 33684) and this proper person petition for a writ of mandamus (Docket No. 33601) all arise from a single district court action originally filed by Robert Kahre purporting to represent the citizens of the State of Nevada. John B. Nelson was later named as an additional plaintiff. After the matter was removed to federal district court, Kahre and Nelson unsuccessfully sought to compel the state district court to entertain jurisdiction over this matter and various associated frivolous pleadings filed in that court. In our 1995 orders denying their appeal to this court and Kahre's related petition for a writ of mandamus,[1] we noted that Kahre and Nelson had been enjoined from filing documents in both state and federal district courts and cautioned them not to similarly inundate this court with frivolous filings. Although we declined to impose sanctions

[1] Docket No. 27558, Order Dismissing Appeal filed November 21, 1995; Docket No. 27521, Order Denying Petition For Writ of Mandamus filed October 4, 1995.

at that time, we advised petitioner Kahre that failure to heed our warning would result in appropriate sanctions in the future.

Despite these clear warnings, Kahre and Nelson have submitted additional frivolous papers, pleadings and documents in this matter for filing in this court. Consequently, we are compelled to take the following actions:

1. We dismiss these appeals and deny this petition for a writ of mandamus.[2]

2. We sanction Kahre in the amount of $3,000. Kahre shall pay this sanction to the Nevada Supreme Court Law Library, and shall provide proof of payment to the clerk of this court within thirty (30) days from the date of this order.

3. We permanently enjoin Kahre and Nelson from submitting for filing in this court any papers, pleadings or documents whatsoever in these matters.

4. If Kahre and Nelson attempt to submit any further papers, pleadings or documents in these matters, we direct the clerk of this court to return them to Kahre and Nelson, unfiled.

It is so ORDERED.[3]

s/Rose, C.J.
Rose

s/Agosti, J.
Agosti

s/Becker, J.
Becker

cc: Hon. Stephen L. Huffaker, District Judge

[2] We deny as moot petitioners' motion for a stay of enforcement of all sanctions, orders, and judgments pending our decision.

[3] The Honorable A. William Maupin, Justice, voluntarily recused himself from participation in the decision of these matters.

Hon. Lee A. Gates, District Judge
Hon. Lloyd D. George, Senior U.S. District Judge
Jolley Urga Wirth & Woodbury
Kummer Kaempfer Bonner & Renshaw
Thorndal Armstrong Delk Balkenbush & Eisinger
Deaner Deaner Scann Curtas & Malan
Robert Kahre
John B. Nelson
Clark County Clerk
Susan Southwick, Law Librarian

CASE NO. 93-A-323777-C
DEPT. NO. XIII
DOCKET NO. G

FILED
APRIL 22 ? ?? '94
s/Loretta Bowman
CLERK

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)
)
PLAINTIFF,)
)
-vs-)
INTERNATIONAL MONETARY FUND,)
INTERNATIONAL BANK FOR)
RECONSTRUCTION, DE FACTO)
UNITED STATES, ET AL.,)
)
DEFENDANTS.)
_____)

REPORTER'S TRANSCRIPT
OF HEARING
IN RE: CONAM'S MOTION TO DISMISS
BEFORE THE HONORABLE DON P. CHAIREZ,
DISTRICT JUDGE
MONDAY, APRIL 18, 1994

REPORTED BY: TAMMY M. BREED, C.S.R. NO. 305
FREE LANCE COURT REPORTERS
915 EAST BONNEVILLE AVENUE
LAS VEGAS, NEVADA 89101
TELEPHONE (702) 382-6082

APPEARANCES:

FOR THE PLAINTIFF: IN PROPER PERSON

FOR THE DEFENDANT: THOMAS F. KUMMER, ESQUIRE
(INT'L MONETARY FUND OF WORLD BANK) VARGAS AND BARTLETT
3800 HOWARD HUGHES PARKWAY
SUITE 700
LAS VEGAS, NEVADA 89109

FOR THE DEFENDANT: BLAIR C. PARKER, ESQUIRE
(CONAM MANAGEMENT) THORNDAL, BACKUS, ARMSTRONG AND BALKENBUSH
1100 EAST BRIDGER AVENUE
LAS VEGAS, NEVADA 89101

* * * * * * * * *

LAS VEGAS, NEVADA; MONDAY 1 APRIL 18, 1994.
9:00 A.M. CALENDAR
* * * * * * * *

THE COURT: ROBERT KAHRE VERSUS ET AL.,
NUMEROUS DEFENDANTS.
MR.KUMMER:GOOD MORNING, YOUR HONOR.
THOMAS F. KUMMER ON BEHALF OF THE INTERNATIONAL MONETARY
FUND OF THE WORLD BANK. I'M HERE RESPONDING TO A
SUBPOENA.
MR. PARKER: BLAIR PARKER ON BEHALF OF CONAM
MANAGEMENT, YOUR HONOR. THIS IS OUR MOTION TO DISMISS
OR STRIKE.
THE COURT: WHAT'S YOUR NAME?
MR. PARKER: BLAIR PARKER. I'M NOT AWARE OF
ANY OPPOSITION HAVING BEEN FILED, YOUR HONOR.
THE COURT: MR. KAHRE, DID YOU FILE AN
OPPOSITION?
MR. KAHRE: YOUR HONOR, THE ONLY THING THAT
I'M HERE FOR TODAY IS I GOT A NOTICE OF A HEARING THIS
MORNING.
THE COURT: ALL RIGHT. MR. KAHRE,

WE WENT
23 THROUGH THIS LAST WEEK. REMEMBER
THAT?
24 MR. KAHRE: YOUR HONOR, I
REMEMBER IT VERY
25 WELL, BUT THERE WERE SOME PROCEDURAL
MATTERS WHICH

(3)

1 NEEDED TO BE TAKEN CARE OF THAT WEREN'T
TAKEN CARE OF AT
2 THAT POINT IN TIME.
3 THE COURT: AND DO YOU REMEMBER
THE LECTURE
4 OR WHAT I TOLD YOU LAST WEEK REGARDING
THE FEDERAL
5 PROCEDURE AND HOW YOU AND I BOTH DON'T
LIKE THE I.R.S.
6 AND THE FEDERAL GOVERNMENT IS A LOT
STRONGER THAN YOU
7 AND ME?
8 MR. KAHRE: YOUR HONOR, I
UNDERSTAND THAT
9 PERFECTLY, BUT I HAVE TO PROCEED HERE IF
WE 'RE GONNA GET
10 ANYWHERE TODAY.
11 THE COURT: WELL, FRANKLY, MR.
KAHRE, THE
12 LAW HAS NOT CHANGED SINCE LAST WEEK
UNTIL TODAY, AND SO
13 I AM GOING TO GRANT THE MOTION TO
STRIKE THE FUGITIVE
14 DOCUMENT AND THE MOTION TO DISMISS THE
CRIMINAL

COMPLAINT.
THIS IS MORE IN THE NATURE OF A SPECIAL APPEARANCE. IS THAT CORRECT, MR. PARKER?

MR. PARKER: THAT'S CORRECT, YOUR HONOR.

THE COURT: I JUST WANT TO MAKE SURE THAT YOU'RE NOT GIVING INTO THE JURISDICTION OF THE STATE COURT.

MR. PARKER: NO, YOUR HONOR.

MR. KAHRE: YOUR HONOR, COULD YOU PLEASE SHOW ME THE REMOVAL ORDER FROM THE DISTRICT COURT OF THE UNITED STATES THAT THIS CASE HAS BEEN REMOVED?

(4)

THE COURT: WELL, WE SAW IT IN THE OTHER --

MR. KAHRE: WHAT YOU SAW WAS A NOTICE FROM THE U.S. ATTORNEY, BUT I CAN READ INTO THE RECORD 28 U.S.C. 1446(C)(5) THAT STATES THAT IF THE UNITED STATES DISTRICT COURT DOES NOT ORDER A SUMMARY REMAND OF SUCH PROSECUTION, IF SO ORDERED, AN EVIDENTIARY HEARING SHALL BE HELD PROMPTLY. AFTER SUCH HEARING SHALL BE MADE SUCH

DISPOSITION OF THE PROSECUTION AS JUSTICE SHALL REQUIRE.
IF THE UNITED STATES DISTRICT COURT DETERMINES THAT THE
REMOVAL SHALL BE PERMITTED, IT SHALL SO NOTIFY THE STATE
COURT IN WHICH PROSECUTION IS PENDING, WHICH SHALL
PROCEED NO FURTHER.
CAN YOU SHOW THAT TO ME?
THE COURT: MR. PARKER, IN TERMS OF THE
REMOVAL JURISDICTION TO FEDERAL COURT, DID THE FEDERAL
COURT -- DO YOU KNOW WHAT DATE THEY ACCEPTED
JURISDICTION?
MR. PARKER: LET'S SEE. YOUR HONOR, OFFHAND
I DON'T HAVE THE EXACT DATE. I HAVE A MINUTE ORDER FROM
THE COURT DATED NOVEMBER 17TH, 1993, REQUIRING ALL
PARTIES FROM THE FEDERAL DISTRICT COURT TO COMPLY WITH
THE -- TO GO AHEAD AND START FILING THEIR ANSWERS IN
FEDERAL COURT.
THE FEDERAL COURT ACCEPTED THE
JURISDICTION AND WENT AHEAD AND ADDRESSED THE MOTIONS TO

DISMISS THE ORDER OF WHICH I HAVE

ATTACHED.

MR. KAHRE: THERE HADN'T BEEN AN EVIDENTIARY HEARING AND THERE IS NO RECORD OF NO EVIDENTIARY HEARING. YOU DON'T HAVE ONE AND I DON'T HAVE ONE. THIS COURT CASE WAS NEVER REMOVED.

THE COURT: HOLD ON, MR. KAHRE. MR. KUMMER?

MR. KUMMER: THANK YOU, YOUR HONOR. IF I COULD BE HEARD FOR JUST A MOMENT WITH RESPECT TO THE PROCEDURE THAT'S USED IN FEDERAL COURT FOR REMOVING A MATTER. IT'S DONE ON NOTICE. AND IF SOMEONE HAS AN OBJECTION TO THE NOTICE OF REMOVAL, THE THEY HAVE AN OPPORTUNITY TO FILE A MOTION TO REMAND THE MATTER BACK TO STATE COURT. THAT'S NEVER BEEN DONE BY MR. KAHRE.

MR. KAHRE: YES, IT HAS, IT'S BEEN CLEARLY DONE AND IT'S RIGHT HERE.

MR. KUMMER: WELL, IT APPARENTLY WASN ' T GRANTED. WE 'RE STILL IN FEDERAL COURT, YOUR HONOR, AND WE STILL KEEP GETTING ALL OF THESE MATTERS FILED IN

STATE COURT AND I'VE BEEN SUBPOENAED TWICE NOW AND --

THE COURT: WHAT IS YOUR PURPOSE OF SUBPOENAING MR. KUMMER HERE TODAY?

MR. KAHRE: YOUR HONOR, YOU MADE A RULING LAST WEEK.

THE COURT: CORRECT.

(6)

MR. KAHRE: OKAY? AND YOU GAVE NO FACTS OR CONCLUSIONS OF LAW WHEN YOU MADE THAT RULING.

THE COURT: WELL, I THINK I DID EXPLAIN THE NATURE OF THE LAW TO YOU. AND WHAT HAPPENED LAST WEEK IS WE GRANTED THE MOTION TO STRIKE THE FUGITIVE DOCUMENT.

MR. KAHRE: UNDER RULE 52, YOUR HONOR. WILL YOU PLEASE PUT IT ON THE RECORD?

THE COURT: WELL, I'M CONCERNED ABOUT TODAY'S HEARING.

MR. KAHRE: I AM TOO, YOUR HONOR, VERY MUCH SO.

THE CLERK: OCTOBER 26TH, 1993, REMOVAL TO U.S. DISTRICT COURT AND NOTICE OF FILING. REMOVAL WAS

FILED OCTOBER 26TH.

MR. KAHRE: I HAVE A COPY OF THAT AND IT'S FROM THE U.S. ATTORNEY. I DON'T HAVE A COPY FROM THE COURT.

THE COURT: SEE, MR. KAHRE, HERE IS THE PROBLEM. SOMEWHERE ALONG THE LINE, SOMEBODY SUED KATHRYN LANDRETH. KATHRYN LANDRETH IS A U.S. ATTORNEY. SOMEWHERE ALONG THE LINE, SOMEBODY SUED PHILIP PRO. PHILIP PRO IS A U.S. DISTRICT COURT JUDGE. AND, ESSENTIALLY, ONCE YOU SUE THOSE PEOPLE, YOU ARE GIVING THE FEDERAL GOVERNMENT THE POWER

(7)

TO SAY, "WE'RE TAKING THE CASE OVER TO FEDERAL COURT BECAUSE THOSE GUYS ARE FEDERAL OFFICERS." AND THAT'S THE BOTTOM LINE.

I DON'T MAKE THE RULES. LIKE I TOLD YOU THE OTHER DAY, I JUST WANT TO BASICALLY EXPLAIN IT, BECAUSE I DON'T WANT TO WASTE A LOT OF PEOPLE'S TIME HERE.

BASICALLY, I'M GOING TO GRANT THE MOTION TO DISMISS. HOWEVER, I DON'T KNOW -- DO YOU KNOW

WHAT HAPPENED THE OTHER DAY? I DIDN'T GRANT THE MOTION FOR SANCTIONS BECAUSE I FELT THAT MR. KAHRE WAS UNDER THE MISTAKEN IMPRESSION OF WHAT THE STATE OF THE LAW IS AND IN THAT PARTICULAR CASE, I GRANTED ATTORNEY'S FEES IN THE APPROXIMATE AMOUNT OF $1,100. AGAIN, I DON'T FEEL LIKE GRANTING SANCTIONS TODAY BECAUSE I'M STILL NOT QUITE CONVINCED THAT HE'S ACTING IN BAD FAITH. HOWEVER, IT JUST DEPENDS ON MY EMOTIONAL STATE BY THE END OF THIS HEARING AS TO WHETHER OR NOT I'LL GRANT ATTORNEY'S FEES.

MR. PARKER: YOUR HONOR, I BELIEVE I SPOKE WITH THE ATTORNEY THAT WAS INVOLVED LAST WEEK. I BELIEVE, BASICALLY, IT WAS EXPLAINED AND THE RATIONALE. THIS IS THE SAME MOTION. I THINK YOUR COURT HAS RULED. I DON'T THINK THERE IS A REAL NEED -- THERE WAS NO OPPOSITION FILED WHICH, IF HE CHOSE TO OPPOSE IT, HE

SHOULD HAVE FILED AN OPPOSITION. I DON'T THINK THERE'S

ANY NEED TO CONTINUE CU. I'LL PREPARE AN ORDER.

THE COURT: WELL, I MEAN, LIKE I'M SAYING, MY ONLY CONCERN IS WHETHER TO GRANT THE ATTORNEY'S FEES, AND I FEEL THAT IT WOULD BE KIND OF UNFAIR, IF WE HAVE LIKE 25 OR 26 DEFENDANTS, FOR EVERYBODY TO COME IN AND SAY MR. KAHRE FILED AN AMENDED COMPLAINT AND HE HAD IT SERVED AND NOW WE'RE HERE MOVING TO STRIKE THE AMENDED -- OR THE SECOND AMENDED COMPLAINT. NOW, THAT'S NOT FAIR TO HIM IF EVERYBODY COMES IN AND I GRANT EVERYBODY A THOUSAND DOLLARS WORTH OF ATTORNEY'S FEE.

MR. PARKER: YOUR HONOR, MY CLIENT'S INTERESTED IN GETTING THIS PROPERLY DISMISSED, THESE FUGITIVE DOCUMENTS. IF YOUR HONOR'S CONCERN IS OVER THE ATTORNEY'S FEES, THAT'S FINE, WE'LL --

THE COURT: OKAY.

MR. PARKER: WE WON'T ASK FOR THEM.

MR. KAHRE: CAN YOU SHOW ME THE STATUTE REGARDING FUGITIVE DOCUMENTS?

THE COURT: WELL, I THINK THAT THAT'S A TERM

OF ART, MR. KAHRE. BASICALLY, WHAT THESE -- THE ESSENCE
OF THE MOTION IS THAT THE CASE HAS BEEN REMOVED TO
FEDERAL COURT AND, AS I EXPLAINED TO YOU, ONCE THE
FEDERAL COURT ASSUMES JURISDICTION, AND THAT HAS

(9)

HAPPENED IN THIS PARTICULAR CASE, I CAN'T TELL THE
FEDERAL GOVERNMENT WHAT TO DO .
AND YOU'RE TALKING TO A GUY WHO IS AN
ENEMY OF THE FEDERAL GOVERNMENT. AND I SHOULDN'T SAY
"ENEMY." YOU'RE TALKING TO A GUY WHO IS NOT A FAITHFUL
BELIEVER IN ALL OF THE POWERS THAT THE FEDERAL
GOVERNMENT HAS TAKEN IN THE LAST 50 TO 75 YEARS.
BUT, AT ANY RATE, I TOLD YOU THAT THE
STATE OF NEVADA IS SMALL IN POWER IN COMPARISON TO THE
FEDERAL GOVERNMENT AND THERE'S A CLAUSE IN THE
CONSTITUTION THAT SAYS WHAT THEY DO IS THE SUPREME LAW
OF THE LAND.
LIKE I TOLD YOU, THEY HAVE THE UNITED
STATES AIR FORCE, THE UNITED STATES ARMY, THEY HAVE THE
MARINES; WE HAVE A VOLUNTEER NATIONAL

GUARD. THAT'S
16 WHAT THE CIVIL WAR WAS ALL ABOUT.
17 MR. KAHRE: DID THEY THREATEN YOU, YOUR
18 HONOR?
19 THE COURT: NO, BUT THEY CAN, AND I DON'T
20 WANT TO GO TO JAIL WITH YOU.
21 MR. KAHRE: FOR WHAT?
22 THE COURT: FOR VIOLATING THE -- FOR TELLING
23 THE FEDERAL GOVERNMENT WHAT TO DO. I CAN ' T TELL THEM
24 WHAT TO DO.
25 MR. KAHRE: YOUR HONOR, IT'S ANOTHER MERE

(10)

1 TECHNICALITY, BUT PUBLIC LAW 88-633, PART 1009, PART 3,
2 CHAPTER 1, SECTION 301(C)(4) DECLARES -- IS THIS COURT
3 IN THE UNITED STATES?
4 THE COURT: YES, IT IS.
5 MR. KAHRE: "NOTWITHSTANDING ANY OTHER
6 PROVISIONS OF LAW, NO COURT IN THE UNITED STATES SHALL
7 DECLINE ON THE GROUNDS OF THE FEDERAL ACT OF STATE
8 DOCTRINES TO MAKE IT A DETERMINATION ON THE MERITS
9 GIVING EFFECT TO THE PRINCIPLES OF INTERNATIONAL LAW IN

A CASE IN WHICH A CLAIM OF TITLE OR OTHER RIGHT IS
ASSERTED BY ANY PARTY, INCLUDING A FOREIGN STATE OR A
PARTY CLAIMING THROUGH SUCH STATE BASED UPON OR TRADES
THROUGH A CONFISCATION OR OTHER TAKING AFTER JANUARY 1,
1959, BY AN ÁCT OF THE STATE IN VIOLATIONS OF THE
PRINCIPLES OF INTERNATIONAL LAW, INCLUDING PRINCIPLES OF
CONFISCATION AND OTHER STANDARDS SET OUT IN THIS
SUBSECTION."

THE COURT: WELL, FRANKLY, HERE IS THE
PROBLEM WITH THE LAW, MR. KAHRE, IS THAT --

MR. KAHRE: IT DOESN'T APPLY.

THE COURT: -- SOMETIMES PEOPLE HAVE
DIFFERENT INTERPRETATIONS OF WHAT CERTAIN THINGS MEAN.
OKAY? FOR INSTANCE, HAVE YOU EVER STUDIED THE BIBLE?
NOW, SOME PEOPLE WILL STUDY THE BIBLE AND THEY WILL
THINK THAT, "HEY, YOU'RE SUPPOSED TO GROW A BEARD."

(11)

OTHER PEOPLE WILL STUDY THE BIBLE AND SAY THAT HAS

NOTHING TO DO WITH IT. ALL RIGHT?
I UNDERSTAND THAT THE JEHOVAH'S
WITNESSES BELIEVE THAT SOMEWHERE IN THE BIBLE IT SAYS
THAT YOU SHOULDN'T HAVE BLOOD TRANSFUSIONS. I'M NOT
SAYING WHETHER THEY'RE RIGHT OR WRONG. I'M JUST SAYING
THAT THEY HAVE A DIFFERENT INTERPRETATION.
AND, UNFORTUNATELY, THE PEOPLE WHO ARE
ADVISING YOU ARE WHAT ARE CALLED CONSTITUTIONALISTS.
YOU KNOW, THEY'RE JUST ANTI TO THE FEDERAL GOVERNMENT,
AND THEY'RE USING ONLY THE SECURE SECTIONS OF THE LAW
AND ARE TRYING TO SAY THAT THE FEDERAL GOVERNMENT
DOESN'T HAVE ANY POWER.
BUT THE BOTTOM LINE IS THAT THOSE
INTERPRETATIONS ARE VERY IMPRACTICAL AND, LIKE I SAID,
WHAT WE'RE DEALING WITH IS THE AIR FORCE, THE MARINES,
THE ARMY AND THE BOTTOM LINE IS, IF THE FEDERAL
GOVERNMENT CHOOSES AND WE START SAYING WE'RE NOT GOING
TO ABIDE BY THE LAW AS DECIDED BY THE U.S. SUPREME COURT -
MR. KAHRE: I'M ABIDING BY THE LAW, YOUR

HONOR.
THE COURT: WELL, THAT'S YOUR --
MR. KAHRE: RIGHT HERE, IT'S BLACK AND WHITE.
THE COURT: AND I WOULD DISAGREE.

(12)

MR. KAHRE: WHAT ARE YOU BASING YOUR RULINGS ON?
THE COURT: I'M BASING MY RULING ON SIMPLE FEDERAL COURT JURISDICTION, AND THE FEDERAL COURTS ARE ALLOWED TO ASSUME JURISDICTION IN CASES THAT ARE ARISING UNDER FEDERAL LAW, YOU KNOW, WHERE THE FEDERAL GOVERNMENT IS A PARTY AND --
MR. KAHRE: SHOW ME THE LAW, YOUR HONOR. SHOW IT TO ME.
THE COURT: I BELIEVE THAT IT'S ALREADY BEEN SHOWED TO YOU IN THE PAST. AND THE BOTTOM LINE IS THAT I'M JUST TELLING YOU I KNOW WHAT THE FEDERAL GOVERNMENT WILL DO TO ME IF I TRY TO TELL THEM WHAT TO DO.
MR. KAHRE: ARE THEY THREATENING YOU?
THE COURT: NO, BUT THEY HAVE

THREATENED
16 PEOPLE IN THE PAST.
17 MR. KAHRE: WELL, YOUR HONOR, 22 U.S.C.
18 286(G), WHICH DECLARES THAT "THE DISTRICT COURT OF THE
19 UNITED STATES HAS JURISDICTION OF CAUSES CONCERNING
20 DEFENDANT, THE BANK AND THE FUND, AND ITS AGENT. THE
21 UNITED STATES DISTRICT COURT IS A TERRITORIAL TRIBUNAL
22 AND HAS NOT BEEN DELEGATED THE AUTHORITY OVER THE PERSON
23 NOR SUBJECT MATTER IN THIS ISSUE. THE ISSUE STILL
24 INVOLVES JURISDICTION AND IMPROPER AND IMPRUDENT REMOVAL
25 TO A PROPER TRIBUNAL. IT WILL BE NECESSARY IN THE FIRST

(13)

1 INSTANCE TO DETERMINE WHETHER THIS COURT IS IN THE
2 UNITED STATES." WHICH I JUST STATED.
3 THE COURT: WELL, OF COURSE, THIS COURT IS
4 IN THE UNITED STATES, BUT IT IS NOT -- WHEN YOU'RE
5 CITING 22 U.C.S., YOU'RE CITING FEDERAL STATUTES, AND
6 THE BOTTOM LINE IS THAT THERE ARE VERY SPECIFIC STATUTES
7 AS TO WHICH CIRCUMSTANCES THE FEDERAL

COURT WILL ASSUME
JURISDICTION. AND, UNFORTUNATELY, WHEN YOU SUE KATHRYN
LANDERS AND PHILIP PRO, YOU -- YOU KNOW, YOU SET THE
TRAP TO FORCE YOU TO GO TO FEDERAL COURT.

MR. KAHRE: SO IF I SUED YOU, CAN YOU MAKE A
RULING IN THIS CASE? CAN YOU MAKE A RULING IF I SUE
YOU? CAN YOU MAKE A RULING IN THIS CASE?

THE COURT: WHAT KIND OF RULING?

MR. KAHRE: CAN YOU DISMISS THIS CASE IF I
SUE YOU?

THE COURT: IF YOU SUE ME, I CAN'T GO TO
FEDERAL COURT BECAUSE I GET PAID BY THE STATE OF NEVADA
RATHER THAN --

MR. KAHRE: RIGHT.

THE COURT: -- BY THE U.S. GOVERNMENT.

MR. KAHRE: I UNDERSTAND.

THE COURT: OKAY.

MR. KAHRE: BUT I'VE NOTIFIED YOU OF
CRIMINAL ACTS GOING ON. JUDGE PRO DISMISSED THIS CASE

WHEN HE WAS NAMED A PARTY. IS THAT JUSTICE?

THE COURT: WELL, I DON'T KNOW

WHAT WAS --
WHY JUDGE PRO DID WHAT HE DID.
MR. KUMMER: YOUR HONOR, THAT'S NOT
ACCURATE.
THE COURT: OKAY.
MR. KUMMER: I MEAN, WE COULD GO THROUGH --
I 'VE GOT THREE, FOUR FEET, FOUR DRAWERS OF DOCUMENTS IN
MY OFFICE PERTAINING TO THIS CASE.
THE COURT: OKAY.
MR. KUMMER: AND, I MEAN, IT'S JUST --
THE COURT: WHEN WERE YOU SERVED, MR.
KUMMER, THE SUBPOENA TO APPEAR TODAY?
MR. KUMMER: WELL, I'VE BEEN -- THIS IS THE
SECOND ONE THAT I 'VE RECEIVED. THE FIRST ONE THE COURT
RULED THAT IT DIDN'T HAVE JURISDICTION AND THREW THE
THING OUT, THREW THE SUBPOENA OUT; I THEN GOT ANOTHER
ONE AGAIN ISSUED BY THE STATE COURT.
I'VE NEVER BEEN -- I'M A NAMED
DEFENDANT IN THIS CASE BECAUSE I REPRESENT THE WORLD
BANK AND THE INTERNATIONAL MONETARY FUND.
MR. KAHRE: WHICH IS INTERNATIONAL AND NEVER
PRODUCED ANY FOREIGN REGISTRATION.

24 THE COURT: WHY ARE YOU SUBPOENAING MR.
25 KUMMER?

(15)

1 MR. KUMMER: BECAUSE HE WANTS ME TO PRODUCE,
2 AMONG OTHER THINGS, MY FOREIGN AGENT REGISTRATION
3 STATEMENT, MY REGISTRATION STATEMENT FOR THE COMMUNIST
4 PARTY - -
5 THE COURT: WHY ARE YOU --
6 MR. KUMMER: I MEAN, IF I WANTED TO SUE
7 MR. KAHRE, I THINK I'VE GOT PRETTY GOOD GROUNDS.
8 MR. KAHRE: YOU'RE DISCUSSING JURISDICTIONAL
9 ISSUES HERE.
10 THE COURT: WELL, I TOLD YOU I'M GOING TO
11 GRANT CONAM'S MOTION TO DISMISS BASED UPON MR. PARKER'S
12 REPRESENTATIONS. I WON'T GRANT THE MOTION FOR SANCTIONS
13 AND I WON'T GRANT THE MOTION FOR ATTORNEY'S FEES. BUT I
14 CAN GUARANTEE YOU THIS MUCH, MR. KAHRE, IF I KEEP ON
15 SEEING YOU HERE ISSUING SUBPOENAS TO PEOPLE LIKE MR.
16 KUMMER AND DRAGGING THIS THING OUT IN STATE COURT, I

MEAN, I DON'T WANT TO SEE THIS CASE IN HERE ANYMORE, I
REALLY DON'T, BECAUSE I'M NOT GOING TO TAKE ON THE
FEDERAL GOVERNMENT. THAT' S THE BOTTOM LINE.
MR. KAHRE: YOUR HONOR, I JUST WANT THE
RECORD TO SHOW THAT I OBJECT TO YOUR RULING.
THE COURT: OKAY. ALL RIGHT, THAT'S FINE.
MR. PARKER: I'LL PREPARE THE ORDER.
THE COURT: IF YOU WANT TO, YOU CAN APPEAL
MY DECISION. THE BOTTOM LINE IS THAT THIS STATE COURT

(16)

HAS NO JURISDICTION. EVERYTHING GOES TO FEDERAL COURT,
AND THAT'S WHERE YOU SHOULD BE FIGHTING THIS MATTER NOW,
OVER THERE.
MR. KUMMER: YOUR HONOR, CAN I GET AN ORDER
QUASHING THE SUBPOENA?
THE COURT: WILL YOU PREPARE IT?
MR. KUMMER: YES.
THE COURT: THEN DO IT.
MR. KUMMER: THANK YOU.
MR. PARKER: THE SAME, YOUR HONOR, HE HAS
SUBPOENAED ME ALSO BECAUSE I'M

REPRESENTING MY CLIENT,
CONAM MANAGEMENT.
THE COURT: PUT IT IN THE ORDER, AND WE'LL
TAKE CARE OF IT.
MR. PARKER: THANK YOU, YOUR HONOR.
THE COURT: COURT WILL BE IN RECESS.
(WHEREUPON, THE HEARING WAS CONCLUDED.)

* * * * * * * * *

REPORTER'S CERTIFICATE

STATE OF NEVADA)
: SS
COUNTY OF CLARK)

I, TAMMY M. BREED, CERTIFIED SHORTHAND REPORTER, HEREBY CERTIFY THAT I TOOK DOWN IN STENOTYPE ALL OF THE PROCEEDINGS HAD IN THE BEFORE-ENTITLED MATTER AT THE TIME AND PLACE INDICATED, AND THAT THEREAFTER SAID STENOTYPE NOTES WERE TRANSCRIBED INTO

TYPEWRITING AT AND UNDER MY SUPERVISION.

THAT THE FOREGOING TRANSCRIPT CONSTITUTES A FULL, TRUE AND ACCURATE RECORD OF THE PROCEEDINGS BAD.

IN WITNESS WHEREOF, I HEREUNTO SUBSCRIBE MY NAME AND AFFIX MY OFFICIAL SEAL OF OFFICE AT LAS VEGAS, NEVADA.

s/_____

TAMMY M. BREED, C.S.R. NO. 305

BLAIR C. PARKER, Esq.
Nev. Bar #3222
THORNDAL, BACKUS, ARMSTRONG &
BALKENBUSH
1100 E. Bridger Ave.
P.O. Drawer 2070
Las Vegas, NV 89125-2070
(702) 366-0622
Attorney for Defendant
CON AM MANAGEMENT CORPORATION

FILED
APR 27 10 42 AM '94
s/Loretta Bowman
CLERK

DISTRICT COURT

CLARK COUNTY, NEVADA

THE PEOPLE OF THE STATE OF NEVADA, Ex Rel, Citizen ROBERT KAHRE, Plaintiff, vs. THE INTERNATIONAL MONETARY FUND, et al., Defendants.	Case No. A323777 Dept. No. XII Docket No. G Hearing Date: 4-18-94 Hearing Time:9:00 A.M.

ORDER

A Motion to Strike Plaintiff's Amended Complaint having regularly come on for hearing on the 18th day of

April, 1994, BLAIR C. PARKER of the law firm of THORNDAL, BACKUS, ARMSTRONG & BALKENBUSH, specially appearing on behalf of Defendant, CON AM MANAGEMENT, and Plaintiff ROBERT KAHRE, appearing Pro Per, the Court having listened to the arguments of both parties, and examined the records and documents on file in the above-entitled matter, no opposition having been filed, and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion To Strike Plaintiff's Amended Complaint is hereby granted and the above-entitled action is dismissed, with prejudice, each party to bear its own costs.

DATED this 25th day of April, 1994.

s/DON P. CHAIREZ
DISTRICT JUDGE

Submitted by:

THORNDAL BACKUS, ARMSTRONG &
BALKENBUSH

By s/_____
BLAIR C. PARKER, ESQ.
1100 East Bridger Avenue
P.O. Box 2070
Las Vegas, Nevada 89125-2070
Attorneys for Defendant
CON AM MANAGEMENT

ENTERED AND
SERVED
JAN 10 1994
CLERK U.S. DISTRICT COURT
DISTRICT OF NEVADA
BY s/ Re DEPUTY

RECEIVED
AND FILED
JAN 10 11 33 AM '94
CAROL C. FITZGERALD
CLERK
BY s/Re
DEPUTY

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

PEOPLE OF THE STATE OF NEVADA,	)	
Plaintiff,	)	CV-S-93-1054-PMP (LRL)
v.	)	
INTERNATIONAL MONETARY FUND,	)	ORDER
Defendant.	)	

On January 6, 1994, the Clerk of Court submitted the following Motions for consideration:

1. Defendant Nevada State Bank's Motion to Dismiss Complaint and for the Granting of Sanctions (#3),

filed November 2, 1993;

2. Defendants Remington Homes and Richmond American Homes of Nevada's Motion to Dismiss (#4), filed November 3, 1993;

3. Defendant Conam Management Corporation's Motion to Dismiss Complaint (#10), filed November 10, 1993; and

4. Defendant United Construction Company's Motion to Dismiss Complaint and Motion for Granting of Sanctions (#13), filed November 17, 1993.

A review of the Court's file shows that to date, Plaintiff has failed to file any opposition to the foregoing Motions to Dismiss. Therefore, pursuant to the provisions of Local Rule 140-6 of the Rules of Practice of the United States District Court for the District of Nevada, Plaintiff consents to the granting of Defendants' Motions. Additionally, a review of each of the Motions shows that good cause is presented to warrant dismissal of Plaintiff's Complaint as to each of said Defendants pursuant to the provisions of Rule 12(b)(6) of the Federal Rules of Civil Procedure.

IT IS THEREFORE ORDERED that Defendant Nevada State Bank's Motion to Dismiss Complaint and for the Granting of Sanctions (#3), Defendants Remington Homes and Richmond American Homes of Nevada's Motion to Dismiss (#4), Defendant Conam Management Corporation's Motion to Dismiss Complaint (#10); and Defendant United Construction Company's Motion to Dismiss Complaint and Motion for Granting of Sanctions (#13) are granted.

IT IS FURTHER ORDERED that to the extent said Motions seeks sanctions from Plaintiff, said Motions are denied.

DATED: January 7, 1994

s/Philip M. Pro
PHILIP M. PRO
United States District Judge

ENTERED AND
SERVED
JAN 11 1994
CLERK U.S. DISTRICT COURT
DISTRICT OF NEVADA
BY s/ Re DEPUTY

RECEIVED
AND FILED
JAN 10 11 25 AM '94
CAROL C. FITZGERALD
CLERK
BY S/Re
DEPUTY

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

PEOPLE OF THE STATE OF NEVADA,	)	
Plaintiff,	)	CV-S-93-1054-PMP (LRL)
v.	)	
INTERNATIONAL MONETARY FUND,	)	ORDER
Defendant.	)	

On January 10, 1994, the Clerk of Court submitted Defendant Whittier Homes, Inc.'s Motion to Dismiss Complaint and for Imposition of Sanctions (#6). A review of the Court's file shows that to date, Plaintiff has failed to file

any opposition to Defendant's Motion to Dismiss. Therefore, pursuant to the provisions of Local Rule 140-6 of the Rules of Practice of the United States District Court for the District of Nevada, Plaintiff consents to the granting of Defendant's Motion. Additionally, a review of the Motion shows that good cause is presented to warrant dismissal of Plaintiff's Complaint as to Defendant Whittier Homes, Inc., pursuant to the provisions of Rule 12(b) (6) of the Federal Rules of Civil Procedure.

IT IS THEREFORE ORDERED that Defendant Whittier Homes, Inc.'s Motion to Dismiss Complaint and for Imposition of Sanctions (#6), is granted.

IT IS FURTHER ORDERED that to the extent said Motion seeks sanctions from Plaintiff, said Motion is denied.

DATED: January 10, 1994

s/Philip M. Pro
PHILIP M. PRO
United States District Judge

ENTERED AND
SERVED
AUG 30 1994
CLERK U.S. DISTRICT COURT
DISTRICT OF NEVADA
BY s/ Julia ? DEPUTY

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AND FILED
AUG 26 11 21 AM '94
CAROL C. FITZGERALD
CLERK
BY S/Julia ?
DEPUTY

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

PEOPLE OF THE STATE OF NEVADA,	)	
Plaintiff,	)	CV-S-93-1054-PMP (LRL)
v.	)	
INTERNATIONAL MONETARY FUND,	)	ORDER
Defendant.	)	

By order (#88) , on May 27, 1994, Plaintiff was given thirty (30) days from that date in which to file an amended complaint consistent with that order. By that order, Plaintiff

was also advised that his failure to do so would result in this action being dismissed with prejudice. Plaintiff did not file an amended complaint within the thirty (30) days, or at all.

IT IS HEREBY ORDERED this action is DISMISSED with prejudice. The Clerk shall enter judgment accordingly.

DATED: This 24th day of August, 1994.

s/ David W. Hagen
UNITED STATES DISTRICT JUDGE

ENTERED AND
SERVED
FEB 16 1995
CLERK U.S. DISTRICT COURT
DISTRICT OF NEVADA
BY s/P. Johnson DEPUTY

RECEIVED
AND FILED
FEB 16 11 21 AM '94
LANCE S. WILSON
CLERK
BY s/P. Johnson
DEPUTY

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

PEOPLE OF THE STATE OF NEVADA,	)	
Plaintiff,	)	CV-S-93-1054-PMP (LRL)
v.	)	
INTERNATIONAL MONETARY FUND,	)	ORDER
Defendant.	)	

ORDER

This matter is before the court on Defendant United Construction Company's Motion to Dismiss Complaint and

Motion for Granting of Sanctions (#106).

On August 30, 1994, the court entered an Order (#93) dismissing Plaintiff's entire action with prejudice. That same date, the Judgment In a Civil Case (#94) was entered "for the Defendants and against the Plaintiffs." Plaintiff attempted to file an amended complaint over two months later and numerous oppositions and motions to strike were filed by other Defendants. The court reiterated in Order (#104) that the action had previously been dismissed with prejudice, granted the Defendants' various motions and enjoined Plaintiff from filing further documents in this action without leave of the court.

Based on the above holdings by the court, there is no action left to be dismissed. Nevertheless, because the court granted other Defendants' motions to quash and to dismiss the Amended Complaint (#95), the court will also grant Defendant United Construction Company's motion to dismiss (#106). Nevertheless, no sanctions will be granted.

Accordingly, good cause appearing

IT IS HEREBY ORDERED that Defendant United Construction Company' Motion to Dismiss Complaint is granted.

IT IS FURTHER ORDERED that Defendant United Construction Company's Motion for Granting of Sanctions (#106) is denied.

DATE: 5 FEB/95

s/ Lloyd D. George
LLOYD D. GEORGE
Chief United States District Judge

ENTERED AND
SERVED
JAN - 3 1995
CLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA
BY s/P. Johnson, DEPUTY

RECEIVED AND FILED
Dec. 30 9 57 AM '94
CAROL R. FITZGERALD
CLERK
BY s/P. Johnson, DEPUTY

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

THE PEOPLE OF THE STATE OF NEVADA, ex rel, Citizen ROBERT KAHRE,	
Plaintiff,	CV-S-93-1054-LDG (LRL)
v.	ORDER
THE INTERNATIONAL MONETARY FUND, et al.,	
Defendants.	

On August 30, 1994, this court entered and served

final judgment in this matter in favor of Defendants and against Plaintiffs. (Doc. #94). Two months later Plaintiff filed a document entitled "Amended Complaint, Pluries Summons and Notice of Petition for Writ of Capias." (Doc. #95). Defendants have filed several motions to strike or dismiss this fugitive document. As the court already entered Judgment against Plaintiff, the document is fugitive and will be stricken. Plaintiff has demonstrated a propensity to abuse the resources of this court. The instant filing of the "Amended Complaint" exemplifies this propensity and will not be tolerated. Accordingly, the court will enjoin Plaintiff from filing any further paper, pleading, or document in this action without first obtaining leave of court.

Therefore, for good cause shown,

IT IS **ORDERED** that the Amended Complaint, Pluries Summons and Notice of Petition for Writ of Capias is STRICKEN;

IT IS FURTHER **ORDERED** that the Motion to Quash Service of Process and to Dismiss the Amended Complaint (#97), the Motion to Dismiss the Amended Complaint (#98), the Motion to Dismiss and Motion for Permanent Injunction (#99), the Motion to Quash and to Dismiss Defendant (#102) are GRANTED.

IT IS FURTHER **ORDERED** that Plaintiff is enjoined from filing any further papers in this action without first obtaining leave of court; The Clerk of the Court shall not file any paper, pleading or other document submitted by Plaintiff unless he has first obtained leave of the court.

DATED this 29th day of December, 1994.

s/Lloyd D. George
Lloyd D. George
Chief United States District Judge

ENTERED AND
SERVED
FEB - 24 1995
CLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA
BY s/P. Johnson, DEPUTY

RECEIVED AND FILED
Feb 23 10 57 AM '94
LANCE S. WILSON
CLERK
BY s/P. Johnson, DEPUTY

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

THE PEOPLE OF THE STATE)
OF NEVADA, ex rel, Citizen)
ROBERT KAHRE,)
)CV-S-94-1009-LDG (RJJ)
Plaintiff,)
) ORDER
v.)
)
THE INTERNATIONAL)
MONETARY FUND, et al.,)
)
Defendants.)
_____)

ORDER

This matter is before the court on the following motions:

Defendants United States of America, Philip M. Pro and Lawrence R. Leavitt's Motion to Dismiss Plaintiff's Amended Complaint Pluries Summons and Notice of Petition for Writ of Capias (#3) and Supplement (#4) , no response;

Defendants International Monetary Fund, International Bank for Reconstruction and Development, Thomas F. Kummer, Mark A. Cymrot and Adam K. Derman's Motion to Join Motion to Dismiss (#5), no Response;

Defendants Whittier Homes, Inc., Erven T. Nelson and Peter Dubowsky's Motion to Dismiss or in the alternative, Motion to Strike Amended Complaint (#8); and

Defendants Whittier Homes, Inc., Erven T. Nelson and Peter Dubowsky's Motion to for Sanctions and for Permanent Injunction (#8), no response.

On August 30, 1994, the court entered an Order (#93) dismissing Plaintiff's action in case number CV-S-93-1054-LDG (LRL) with prejudice. That same date, the Judgment In a Civil Case (#94) was entered "for the Defendants and against the Plaintiffs." Plaintiff attempted to file an amended complaint over two months later and numerous oppositions and motions to strike were filed by other Defendants. The court reiterated in Order (#104) that the action had previously been dismissed with prejudice, granted the Defendants' various motions and enjoined Plaintiff from filing further documents in this action without leave of the court.

It would appear that Plaintiff then attempted to file the identical action in State District Court and added Magistrate Judge Leavitt and District Court Judge Pro as Defendants. The action was then removed to this court on November 17, 1994. See Document (#1). Because an action

involving the same subject matter was previously dismissed with prejudice by this court, this removed action will also be dismissed with prejudice.

When the court previously dismissed this action with prejudice, it enjoined Plaintiff from further attempting to file actions or pleadings involving the same subject matter in this court. Because the instant action was filed in state court and then removed, Plaintiff technically did not violate the court's order. However, the court would reemphasize to Plaintiff that it does not exist to entertain frivolous lawsuits and that any further filings will be submitted by the Clerk of the Court for review before they are accepted for filing.

Although sanctions have been requested against Plaintiff for his frivolous filings, the court has not granted sanctions as yet. Because he has not yet attempted to file other documents with this court since this court instructed him on that matter, the court sees no reason as yet to change this position. However, should Plaintiff file other actions in the future with this court that are determined to be frivolous and without merit, the court will not hesitate in granting sanctions.

Accordingly, good cause appearing,

IT IS HEREBY ORDERED that Defendants United States of America, Philip M. Pro and Lawrence R. Leavitt's Motion to Dismiss Plaintiff's Amended Complaint Pluries Summons and Notice of Petition for Writ of Capias (#3) is granted.

IT IS FURTHER ORDERED that Defendants International Monetary Fund, International Bank for Reconstruction and Development, Thomas F. Kummer, Mark A. Cymrot and Adam K. Derman's Motion to Join

Whittier Homes, Inc., Erven T. Nelson and Peter Dubowsky's Motion to Dismiss Amended Complaint (#8) is granted.

IT IS FURTHER ORDERED that Defendants Whittier Homes, Inc., Erven T. Nelson and Peter Dubowsky's Motion to for Sanctions and for Permanent Injunction (#8) is denied.

IT IS FURTHER ORDERED that the removed action is dismissed with prejudice in favor of all named Defendants and as against Plaintiff.

IT IS FURTHER ORDERED that the Clerk of the Court will submit any and all further filings by Plaintiff for review by the assigned judge prior to accepting such documents for filing.

DATE: 16 FEB 95

s/Lloyd D. George
Lloyd D. George
Chief United States District
Judge

DOC. CODE:

SUSAN WILLIAMS SCANN, ESQ.
Nevada Bar No. 000776
DEANER, DEANER, SCANN
CURTAS & MALAN
720 South Fourth Street, Suite 300
Las Vegas, Nevada 89101
(702) 382-691
Attorneys for Defendants,
BUD MAHAS and DOUGLAS R. MALAN

FILED
May 4 3 25 PM '95
s/Loretta Bowman
CLERK

DISTRICT COURT

CLARK COUNTY, NEVADA

*****

THE PEOPLE OF THE STATE OF NEVADA, Ex Rel, Citizen ROBERT KAHRE,	)	
Plaintiff,	)	
vs.	)	Case No. A323777
	)	Dept. No. VIII
THE INTERNATIONAL MONETARY FUND (The Fund) THE INT'L BANK FOR RECONSTRUCTION & DEVELOPMENT (The Bank), As Principal, THE DE FACTO UNITED STATES, as Corporator) and Alter Ego, CEDRICK	)	Docket No. G
	)	ORDER
	)	RE: DEFENDANTS
	)	MAHAS AND
	)	MALAN COMBINED

NELSON, WALT BUDZINSKI,) BRIAN P. McMAHON, RON) SMITH, WHITTIER HOMES,) BUD MAHAS, UNITED) CONSTRUCTION CO., INC.,) RICHMOND AMERICAN) HOMES OF NEVADA,) REMINGTON HOMES,) CONAM MANAGEMENT,) NEVADA STATE BANK, and) DOES 1 through 99, inclusive,)) Defendants.) _____)	MOTIONS TO DISMISS OR TO STRIKE, FOR SANCTIONS AND FOR A PERMANENT INJUNCTION Date of Hearing: February 28, 1995 Time of Hearing: 9:00 o'clock a.m.

THIS MATTER having come on for hearing on February 28, 1995 on Defendants' Mahas and Malan's Combined Motions to Dismiss or to Strike, for Sanctions, and for a Permanent Injunction, the Defendants, BUD MAHAS ("MAHAS") and DOUGLAS R. MALAN ("MALAN"), appearing by and through their attorney, SUSAN WILLIAMS SCANN, ESQ. of the law firm of DEANER, DEANER, SCANN, CURTAS & MALAN, and Plaintiff, ROBERT KAHRE ("KAHRE"), appearing in proper person, and the Court having reviewed the papers and pleadings on file herein and having heard the arguments of the parties, and good cause appearing therefore;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that this matter is dismissed with prejudice because this case was removed to Federal Court; and

IT IS HEREBY FURTHER ORDERED,

ADJUDGED AND DECREED that Defendants, MAHAS and MALAN, are awarded sanctions against Plaintiff, KAHRE, in the form of attorney's fees in the amount of $2919 and costs in the amount of $158.00.

DATED this 2nd day of May, 1995.

s/LEE A. GATES
DISTRICT JUDGE

SUBMITTED BY:

DEANER, DEAN, SCANN
CURTAS & MALAN

By s/_____
SUSAN WILLIAMS SCANN
Nevada Bar No.000776
720 South Fourth Street, Suite 300
Las Vegas, Nevada 89101
Attorneys for Defendants
BUD MAHAS and DOUGLAS R. MALAN

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE PEOPLE OF THE STATE OF NEVADA, EX REL, CITIZEN ROBERT KAHRE, THE AMERICAN NATIONAL PEOPLE, THE PEOPLE OF THE STATE OF COLORADO, SUI JURIS, JOHN B. NELSON,	)	No. 27558
Appellants,	)	FILED NOV 21 1995 JANETTE M. BLOOM CLERK OF THE SUPREME COURT s/L. Castillo DEPUTY CLERK
THE INTERNATIONAL MONETARY FUND (THE FUND), THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT (THE BANK), AS PRINCIPAL, THE DEFACTO UNITED STATES, AS CORPORATOR AND ALTER EGO, CEDRICK NELSON, WALT BUDZINSKI, BRIAN P. MCMAHON, RON SMITH, WHITTIER HOMES, BUD MAHAS, UNITED CONSTRUCTION CO., INC. (OWNERS OR BOARD OF DIRECTORS), RICHMOND AMERICAN HOMES OF NEVADA,	)	

REMINGTON HOMES,)
CONAM MANAGEMENT)
(OWNERS OR BOARD)
OF DIRECTORS), NEVADA)
STATE BANK, PHILLIP M.)
PRO; KATHRYN E.)
LANDRETH; KAREN L.)
BAKER; THOMAS K.)
KUMMER; MARK A.)
CYMROT; ADAM K.)
DERMAN; JOHN M.)
SULLIVAN; GORDON E.)
BYWATER, KIRK B.)
LENHARD; JOHN L.)
THORNDAL; ERVEN T.)
NELSON; PETER)
DOBOWSKY; STEPHEN)
SPRINKEL; RUTH L.COHEN;)
BLAIR C. PARKER; DE)
FACTO STATE OF NEVADA;)
STATE INDUSTRIAL)
INSURANCE COMPANY;)
DALE MORRIS, ALISA R.)
MARGOLIS; DAVID W.)
HAGEN; DOUGLAS R.)
MALAN; HENRY C. KIM;)
JAN J. COHEN; PHILIP L.)
KREITLEIN; EMPLOYMENT)
SECURITY DIVISION;)
NANCY SAMON; BECKY)
JONES; ROBERT KING,)
)
Respondents.)

ORDER DISMISSING APPEAL

This is a proper person appeal from an order removing this matter to federal district court. Appellant Robert Kahre filed an action purporting to represent the citizens of the state of Nevada. John B. Nelson was named as a party defendant in a third amended complaint. Kahre and Nelson filed notices of appeal after the district court refused to entertain jurisdiction over this matter. The clerk of the district court listed Nelson in the caption of this matter as a respondent. The clerk of this court shall amend the caption of this appeal to reflect the caption of this order which lists Nelson as an appellant.

Our review of the record on appeal reveals several jurisdictional defects. First, no written order is included in the record on appeal which removes this matter to federal district court. In the absence of a written order, this matter is technically still pending in the district court. Rust v. Clark Cty. School District, 103 Nev. 686, 747 P.2d 1380 (1987).

Moreover, a written order would not vest jurisdiction in this court because no appeal lies from an order removing a matter to federal district court. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists. See Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984); Kokkos v. Tsalikis, 91 Nev. 24, 530 P.2d 756 (1975). We lack jurisdiction over this appeal. Accordingly, we

ORDER this appeal dismissed.[4]

s/_____, C. J.

s/Young, J.

s/Shearing, J.

cc: Hon. Lee A. Gates, District Judge
Hon. Don P. Chairez, District Judge
Hon. Lloyd D. George
Hon. Phillip M. Pro
Hon. David W. Hagen
Hon. Kathryn E. Landreth, U.S. Attorney
Karen Lynne Baker, Trial Attorney, Tax Division, U.S. Dept. of Justice
Thomas F. Kummer, Esq.
John M. Sullivan, Esq.
Gordon E. Bywater, Esq.
Kirk B. Lenhard, Esq.
Erven T. Nelson, Esq.
Peter Dobowsky, Esq.
Stephen S. Sprinkel, Esq.
Alisa R. Margolis, U.S. Dept. of Justice
Drennan Anthony Clark, Adjutant General

---

[4] On October 4, 1995, we denied appellant Kahre's petition for a writ of mandamus. Kahre v. District Court, Docket No. 27521 (Order Denting Petition For Writ of Mandamus, October 4, 1995). In that order, we indicated that Kahre's petition was completely frivolous and that we would not hesitate to hold him in contempt of this court if he submitted further frivolous pleadings for filing in this court. This matter also appears to be frivolous. We decline to hold Kahre in contempt of court, however, because Kahre filed the notice of appeal in this matter before we entered our order denying his petition for a writ of mandamus. We caution Kahre that we will not allow him to burden this court with further frivolous pleadings and abuse the processes of this court without imposing appropriate sanctions.

Blair C. Parker, Esq.
State Industrial Insurance System
Deaner, Deaner, Scann, Curtas & Malan
Susan Williams Scann
International Monetary Fund
International Bank for Reconstruction and Development
Whittier Homes
United Construction Company
Richmond American Homes of Nevada
Remington Homes
Conam Management
Nevada State Bank
Brian P. McMahon
Ron Smith
Mark A. Cymrot & Adam K. Derman
Cedrick Nelson
Walt Budzinski
Dale Morris
Philip K. Kreitlein
Michael Louis Hutton
Charles R. Gray
Robert R. King
Henry C. Kim
Bud Mahas
John B. Nelson
Robert Kahre
Loretta Bowman, Clerk
Sarah Knutson, Appellate Section Tax Division, U.S. Dept. of Justice

Certified Copy

DISTRICT COURT

CLARK COUNTY, NEVADA

ROBERT KAHRE, Plaintiff, vs. INTERNATIONAL MONETARY FUND, ET AL., Defendant.	)))))))))	Case No. A323777 Dept. No. IX

REPORTER' S TRANSCRIPT
OF
PROCEEDINGS

BEFORE THE HONORABLE STEPHEN L. HUFFAKER
DISTRICT COURT JUDGE

Taken on October 19, 1998
At 9:00 a.m.

APPEARANCE S
For the Plaintiff: IN PROPER PERSON
For Defendant IMF: THOMAS F. KUMMER,

ESQ.
3800 Howard Hughes
Parkway #700
Las Vegas, Nevada 89109

Reported by: TOM MERCER, C.C.R. NO. 33

(1)

Las Vegas, Nevada.

* * *

THE CLERK: Kahre versus International Monetary Fund.

MR. KAHRE: Robert Kahre on behalf of the plaintiffs,

MR. KUMMER: Thomas Kummer on behalf of the International Monetary Fund.

MR. PARKER: Blair Parker on behalf of Conam Management

THE COURT: Good morning. I'm going to grant the motion to dismiss Nevada State Bank and Gordon Bywater for failure to state a claim on which relief can be granted, 12(b)5 motion.

MR. KAHRE: Your Honor, I'd like my objection noted on that.

THE COURT: That's fine.

MR. KAHRE: The merits of the case have never been ruled on.

22 THE COURT: This case is frivolous, it's not going
23 to go anywhere. You're suing federal entities in state court.
24 It's a ridiculous case and I'll just wait for the other motions
25 to come in.

(3)

1 MR. KUMMER: Thank you, Your Honor.

ATTEST: Full, true and accurate transcript of proceedings.

s/Tom Mercer
TOM MERCER, C.C.R. NO. 33

ORDG

FILED
OCT 21 8 33 AM '98
s/Loretta Bowman
CLERK

R. Gardner Jolley, Esq.
Nevada Bar #266
Stefany A. Miley, Esq.
Nevada Bar #6144
JOLLEY, URGA, WIRTH & WOODBURY
3800 Howard Hughes Pkwy., #1600
Las Vegas, Nevada 89109
(702) 699-7500
Attorneys for Defendants
Nevada State Bank and
Gordon E. Bywater

DISTRICT COURT

CLARK COUNTY, NEVADA

* * *

THE PEOPLE OF THE STATE OF NEVADA, EX REL, CITIZEN ROBERT KAHRE, THE AMERICAN NATIONAL PEOPLE, THE PEOPLE OF THE STATE OF COLORADO, SUI JURIS, JOHN B. NELSON,	)	
Plaintiffs,	)	CASE NO. A323777
	)	DEPT. NO. IX
vs.	)	DOCKET "W"
THE INTERNATIONAL MONETARY FUND (THE FUND); NEVADA STATE BANK; GORDON E.	)	

BYWATER, et al.,)
)
Defendants.)
)

ORDER GRANTING MOTION TO DISMISS OF DEFENDANTS , NEVADA STATE BANK AND GORDON BYWATER

Date of Hearing: October 19, 1998

Time of Hearing: 9:00 a.m.

The Motion of Nevada State Bank and Gordon E. Bywater to Dismiss Plaintiffs' Amended Complaint Pursuant to NRCP 12(b) (5) and for the Granting of Sanctions came on for hearing before the above-entitled Court on August 19, 1998 at the hour of 9:00 a.m., Plaintiff, Robert Kahre, appearing in proper person; Stefany A. Miley, Esq. of the law firm of Jolley, Urga, Wirth & Woodbury appearing on behalf of Defendants Nevada State Bank and Gordon E. Bywater; Blair C. Parker, Esq. of the law firm of Thorndal, Armstrong, Delk, Balkenbush & Eisinger appearing personally and on behalf of Defendants John L. Thorndal and Conam Management; Thomas F. Kummer, Esq. of the law firm of Kummer Kaempfer Bonner & Renshaw appearing on behalf of Defendants The International Monetary Fund (The Fund) and The International Bank for Reconstruction and Development; the Court having reviewed the pleadings and other documents on file herein, heard the arguments and good cause appearing, it is hereby

ORDERED that the Motion to Dismiss Plaintiffs' Amended Complaint against Defendants, Nevada State Bank and Gordon E. Bywater, is hereby granted with prejudice.

DATED this 20th day of Oct. 1998.

s/ Stephen Huffaker
DISTRICT COURT JUDGE

Submitted by,
JOLLEY, URGA, WIRTH & WOODBURY

s/ Stephany Miley
R. Gardner Jolley, Esq.
Nevada Bar #266
Stefany A. Miley, Esq.
Nevada Bar #6144
JOLLEY, URGA, WIRTH & WOODBURY
3800 Howard Hughes Pkwy., #1600
Las Vegas, Nevada 89109
Attorneys for Defendants

Certified Copy

DISTRICT COURT

CLARK COUNTY, NEVADA

ROBERT KAHRE, Plaintiff,	)	
vs.	)	Case No. A323777
	)	Dept. No. IX
INTERNATIONAL MONETARY FUND, ET AL.,	)	
Defendant.	)	

REPORTER' S TRANSCRIPT
OF
PROCEEDINGS

BEFORE THE HONORABLE STEPHEN L. HUFFAKER
DISTRICT COURT JUDGE

Taken on November 9, 1998
At 9:00 a.m.

APPEARANCE S
For the Plaintiff: IN PROPER PERSON
For Defendant IMF: THOMAS F. KUMMER,

ESQ.
3800 Howard Hughes
Parkway

SUSAN WILLIAMS
SCANN, ESQ.
720 South Fourth Street
#300

Reported by: TOM MERCER, C.C.R. NO. 33

(1)

Las Vegas, Nevada.

* * *

THE CLERK: Kahre versus International Monetary Fund.

MR. KUMMER: Thomas Kummer on behalf of International Monetary Fund and for myself personally.

MS. SCANN: Susan Scann on behalf of Bud Mahas

MR. KAHRE: Robert Kahre on behalf of plaintiffs.

THE COURT: I'm not going to listen to any argument on this, Counsel. This has been briefed and argued to a degree that the Court can't even contemplate. I'm just going to make

my rulings.
We are here on a case that was filed in 1993 and I hold up the "Q' file and it's about, I would say, about three and-a-half inches thick. It file starts with "A," that means the 17th file of this size in this case. If there's ever a case that's had a tortuous history this is it.
This is the Court's ruling. This district court having previously dismissed this case on 2/28/95 and plaintiff ordered by the Court not to file any further papers in this Court, and sanctions having been ordered against the plaintiff, there is no case upon which the Court can now rule. The clerk of the Court is ordered to close this case forthwith and abide by the order previously made in this case. Sanctions are

(2)

further assessed against the plaintiff in the amount of a thousand dollars in attorneys fees to answer this unauthorized filing, a thousand dollars to Susan Scann and her party, and five hundred dollars to every other answering defendant. All of the plaintiffs motions are stricken as fugitive documents and permanent injunction is granted to preclude any further filings in this case. This case is over.

MR. KAHRE: I'd like my objection noted.

THE COURT: It will be noted.

MS. SCANN: Your Honor, the federal judge ordered that nothing be filed by this plaintiff. With the Court's permission I'd ask the court not just this case, but anything.

THE COURT: I just ordered that I.

MS. SCANN: Not just confined to this case then? That's why I asked the question. He can't file a new one without the Court's permission. He'll just go out and file a new one and we'll be right back where we started.

THE COURT: Well, I don't want to take upon myself this plaintiff's life's goal or life's history or anything else, I don't think I'm the one who should say whether this plaintiff files any further cases in this Court. That means each time he filed one I would have to look at it and say is that the same one that he filed before?

MS. SCANN: Or perhaps the chief judge.

THE COURT: I don't order the chief judge to do

(3)

anything.

MS. SCANN: In the federal; court that's the order granted by Judge George, they were -- I stand corrected, this

action. I withdrew the request.

MR. KAHRE: Judge, may I ask you one question?

THE COURT: Sure.

MR. KAHRE: When did you determine or anybody in the court determine that the world bank and I.M.F. --

THE COURT: I'm not going to answer that question. That's foolish.

MR. KUMMER: Thank you, Your Honor.

MS. SCANN: Thank you, Your Honor.

MR. KUMMER: Should we prepare a formal order?

THE COURT: If you would, please.

ATTEST: Full, true and accurate transcript of proceedings.

s/Tom Mercer

TOM MERCER, C.C.R. NO. 33

ORDR

FILED

SUSAN WILLIAMS SCANN, ESQ.
Nevada Bar No.000776
DEANER, DEANER, SCANN & MALAN
720 South Fourth Street, Suite 300
Las Vegas, Nevada 89101
(702) 382-691
Attorneys for Defendants,
BUD MAHAS and DOUGLAS R. MALAN

DEC 1 9 53 AM '98
s/Loretta Bowman
CLERK

CLERK

DISTRICT COURT

CLARK COUNTY, NEVADA

* * * * *

THE PEOPLE OF THE STATE OF NEVADA, EX REL, CITIZEN ROBERT KAHRE, THE AMERICAN NATIONAL PEOPLE, THE PEOPLE OF THE STATE OF COLORADO, SUI JURIS, JOHN B. NELSON,	CASE NO. A323777 DEPT. NO. VIII DOCKET "G"
Plaintiffs,	ORDER RE: DISMISSAL
vs.	Date of Hearing: November 16, 1998
THE INTERNATIONAL MONETARY FUND, et al,	Time of Hearing: -------
Defendants.	

THIS MATTER having come on for hearing on November 9, 1998 on Defendants' Mahas and Malan's Amended Combined Motion to (1) to Strike Amended Complaint; (2) to Strike Notice of Intent to Take Default; (3) for Sanctions; and (4) for a Permanent Injunction, and the Joinder to said Motion filed, on behalf of the INTERNATIONAL MONETARY FUND and Plaintiffs' Countermotion to said Motion; the Defendants, BUD MAHAS ("MAHAS") and DOUGLAS R. MALAN ("MALAN"), appearing by and through their attorney, SUSAN WILLIAMS SCANN, ESQ. of the law firm of DEANER, DEANER, SCANN & MALAN, and Plaintiff, ROBERT KAHRE ("KAHRE"), appearing in proper person, and THOMAS F. KUMMER, ESQ. of the law firm of KUMMER, KAEMPFER, BONNER & RENSHAW appearing on behalf of the INTERNATIONAL MONETARY FUND and for himself personally, and the Court having reviewed the papers and pleadings on file herein and finding that this case was originally filed in 1993 and that the District Court dismissed this case on February 28, 1995, that sanctions were ordered against the Plaintiff, that this case is over; there is no case upon which the Court can now rule;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Clerk of the Court is ordered to close this case forthwith and abide by the Order of Dismissal previously made in this case on February 28, 1995;

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that sanctions in the form of attorney's fees are awarded against the Plaintiff and in favor of

Defendants, BUD MAHAS and DOUGLAS R. MALAN, in the amount of $1,000.00, and in the amount of $500.00 to every other joining Defendant consisting of the INTERNATIONAL MONETARY FUND;

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that all of Plaintiffs Motions after February 28, 1995 are stricken as fugitive documents; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiffs are permanently enjoined from filing any papers or pleadings whatsoever in this case.

DATED this 30th day of Nov., 1998.

s/ Lee A. Gates
DISTRICT JUDGE
for s/ Stephen L. Huffaker

SUBMITTED BY:

DEANER, DEANER, SCANN & MALAN

By s/Susan Williams Scann
SUSAN WILLIAMS SCANN,ESQ
Nevada Bar No. 000776
720 South Fourth Street, Suite 300
Las Vegas, Nevada 89101
Attorneys for Defendants
BUD MAHAS and DOUGLAS R. MALAN

ORDR

FILED
DEC 18 9 58 AM '98
s/Loretta Bowman
CLERK

Blair C. Parker, Esq.
Nev. Bar #3222
John L. Thorndal, Esq.
001667
THORNDAL, ARMSTRONG, DELK,
BALKENBUSH & EISINGER
1100 E. Bridger Avenue
P.O. Drawer 2070
Las Vegas, NV 89125-2070
Attorneys for Defendants
CONAM MANAGEMENT, JOHN L. THORNDAL,
and BLAIR C. PARKER

DISTRICT COURT

CLARK COUNTY, NEVADA

* * * * *

THE PEOPLE OF THE STATE OF NEVADA, EX REL, CITIZEN ROBERT KAHRE, THE AMERICAN NATIONAL PEOPLE, THE PEOPLE OF THE STATE OF COLORADO, SUI JURIS, JOHN B. NELSON,	CASE NO. A323777 DEPT. NO. VIII DOCKET M
Plaintiffs,	ORDER RE: DISMISSAL
vs.	
CONAM MANAGEMENT, et al,	

Defendants.)
_____)

This matter having come on for hearing on November 9, 1998 on Defendants' Mahas and Malan's Amended Combined Motion to (1) Strike Amended Complaint; (2) to Strike Notice of Intent to Take Default; (3) for Sanctions; and (4) for a Permanent Injunction, and the Joinder to said Motion filed on behalf of CONAM MANAGEMENT, JOHN L. THORNDAL and BLAIR C. PARKER, by and through their attorneys, THORNDAL, ARMSTRONG, DELK, BALKENBUSH & EISINGER, and the Court having reviewed the papers and pleadings on file herein and finding that this case was originally filed in 1993 and that the District Court dismissed this case on February 28, 1995, that sanctions were ordered against the Plaintiff, that this case is over; there is no case upon which the Court can now rule;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Clerk of the Court is ordered to close this case forthwith and abide by the Order of Dismissal previously made in this case on February 28, 1995;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that sanctions in the form of attorney's fees are awarded against the Plaintiff and in favor of the joining Defendants CONAM MANAGEMENT, JOHN L. THORNDAL and BLAIR C. PARKER, in the amount of $500.00.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that all of Plaintiffs' Motions after February 28, 1995 are stricken as fugitive documents; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiffs are permanently enjoined from filing any papers or pleadings whatsoever in this case.

DATED this 16th day of Dec., 1998.

s/STEPHEN L. HUFFAKER
DISTRICT COURT JUDGE

Submitted by:

s/ Blair C. Parker
Blair C. Parker, Esq.
Thorndal, Armstrong, et al
1100 East Bridger Avenue
Las Vegas, Nevada 89101
Attorney for Defendants
CONAM, JOHN THORNDAL & BLAIR PARKER

Nevada Supreme Court Case 33419, Appeal from Order of October 26, 1998, State District Court Case A323777. Appellant's Opening Brief, page 1.

ISSUES PRESENTED FOR REVIEW

1. Does the District Court, County of Clark have jurisdiction over the person of all the defendants, including but not limited to, Appellees, Nevada State Bank ("NSB") and Gordon Bywater ("Bywater")?

2. Did the U.S. District Court ("USDC") usurp and unlawfully exercise jurisdiction over the persons and subject matter of the case, and if so, are the Orders issued by said court void, and are the Orders issued based upon them in the State District Court, also void?

3. Is it proper to use force against usurpers that devised and implemented a systematic scheme to overthrow the Constitution for the United States of America, the Constitution for the State of Nevada, and the Laws made in Pursuance thereof?

Nevada Supreme Court Case 33601,
PETITION FOR WRIT OF CERTIORARI OR OTHER APPROPRIATE WRIT, Filed January 13, 1999. Statement of Issues Presented, pages 14 - 31

STATEMENT OF ISSUES PRESENTED

I.

STATE DISTRICT COURT JURISDICTION OVER THE WORLD BANK, THE IMF, AND THEIR CORPORATORS

A.

STATE COURT HAS JURISDICTION OVER DEFENDANT "INSTRUMENTALITIES" (IMF & WORLD BANK)

67. Defendant, The World Bank, like its sister organization and counter-part, Defendant IMF, and the other International Development Banks (IDBs), are in fact and law the instrumentality. Congress clearly stated in Public Law 91-599, 84 Stat. 1657, Senate Report 91-1241, that:

> "***The Bank*** has become a primary ***instrumentality*** for challenging development assistance to its member countries."

68. The courts of the several States of the Union have jurisdiction over the Defendant international financial institutions under the existing domestic law of the United States, and as codified at 28 U.S.C. 1605(a).

> "(a) A foreign state ***shall not be immune***

from the jurisdiction of courts of the United States or ***of the States*** in any case...."

69. Respondent, Stephen Huffaker and Lee Gates were duly informed that the term "foreign state" included an "instrumentality" within the meaning of 28 U.S.C. 1603(b). Respondent Huffaker was directed by Plaintiff to the Foreign Sovereign Immunities Act of 1976, Public Law 94-582, House Report 94-1487 for further reference of the intent of Congress.

70. Respondent, Huffaker and Gates were also told what Congress required the Respondent State Court to determine. Respondent Huffaker and Gates refused to exercise the duties imposed by the laws of the United States and to determine the character of the Defendant international organizations, all in violation of the Constitution for the United States of America, Article VI, Clause 2, and the Constitution for the State of Nevada, Article I, Section 2, supra.

71. The State Court will take judicial notice that the Defendants have admitted the facts, and there are no contrary pleading and evidence on the record.

72. Respondent, District Court, Stephen Huffaker, refused to exercise the duties imposed upon the State Court by law and determine whether the State Court has jurisdiction over the Defendants "instrumentalities", namely, the International Monetary Fund (IMF) and the International Bank For Reconstruction And Development (The World Bank), in accordance with and under the laws of the United States of America.

B.
FOREIGN AGENCY, ACT OF STATE DOCTRINE, FOREIGN SOVEREIGN IMMUNITIES ACT, COMPELLING INTEREST

73. Respondent, District Court, Stephen Huffaker, was duly informed that the laws of the United States, as codified at 28 U.S.C. 1605(a)(2) declares that a State Court has jurisdiction over a case:

> (2) in which the action is ***based upon*** a commercial activity carried on in the United States by the foreign state; or upon ***an act performed in the United States in connection with a commercial activity of the foreign state elsewhere***; or upon an act outside the territory of the United States in connection with a ***commercial activity of the foreign state elsewhere and that act causes a direct effect in the United States of America.***" (28 U.S.C. 1603(a))

74. Respondent, Stephen Huffaker, was duly informed by Petitioners that The

World Bank's attorneys, Mark Cymrot and Thomas Kummer, had openly plead that:

> "***The United States***, therefore, ***is a contributor of capital*** to the World Bank. ***Loans and guarantees are*** not made in the United States (including the State of Nevada), but rather are made in member developing countries ***from capital provided by the United States*** and

other developed countries. (citation omitted) ***The World Bank itself operates like a bank, borrowing money by selling bonds and lending money*** to member countries ***for investment."*** **(Exhibit 13**, Memorandum Of Points And Authorities In Support Of Defendant's Motion To Dismiss For Lack Of Personal Jurisdiction And Failure To State A Claim Upon Which Relief Can Be Granted)

75. Respondent, Huffaker and Gates were duly informed by Petitioners of the determination by the supreme court of the United States in Argentina v. Weltover, 119 L.Ed.2d 394 (1992).

76. The supreme Court determined that the issuance and sale of bonds or other "debt instruments" was "commercial conduct" within the meaning and intent of the Foreign Sovereign Immunities Act of 1976, Public Law 94-582, supra.

77. The ***"capital provided by the United States"*** to Defendant, The World Bank and IMF, was admittedly obtained from Petitioners. Said Defendants also admitted that they were collecting loans, money or other things of value from Petitioners for foreign principals and powers, and further, were using the "Exchange Stabilization Fund" created under Section 10(b) of the Gold Reserve Act of 1934 (See Exhibit 8 of Fourth Amended Complaint, **(Exhibit 2)**, and the Special Drawing Rights facility of the IMF to implement the scheme. (Exhibit 14 of Fourth Amended Complaint, **(Exhibit 2)**

78. Defendant, International Monetary Fund (IMF), by and through the Secretary of Treasury, corporate Governor

of The World Bank and the IMF, is the ultimate depository of authority in Defendants' systematic scheme.

79. Respondent Huffaker and Gates, having direct and continuous access to the files and records of the case, were well aware of the fact that Petitioners had

(16)

subpoenaed a true, correct, and complete accounting of: (1) the Exchange Stabilization Fund, (2) the IMF's Special Drawing Rights Facility and Expanded Adjustment Program.

80. Petitioners subpoenaed The World Bank's: (1) contracts and agreements in several countries, and (2) an accounting of the Global Environmental Facility.

81. Petitioners also subpoenaed the voting share stock of Defendant, de facto United States as held in Defendant instrumentalities, The World Bank and IMF.

82. Respondent Huffaker and Gates were also aware of the fact that the documents and accounting which Petitioners sought by subpoena were never produced by Kathryn Landreth, The World Bank, the IMF, or their attorney and agent, Defendant, Thomas Kummer.

83. Respondent Huffaker and Gates were duly noticed of the supreme court of the United States determination in Insurance Company of Ireland v. Compaigne des Bauxite, 72 L.Ed.2d 492 (1982), where the supreme court determined that if such jurisdictional documents were not produced, the pleadings of the Defendants were deemed to be presented in "bad faith" and were considered as "untrue."

84. The issue whether the revenue raising measures of one country will be enforced in another country under the Bretton Woods Agreement has never been determined. Cermak v. Bata Akciova Spolecnostcu, 80 NY2d 782, affd 275 App. Div. 919, 43 NE 988; see also 54 Am. Jur. 2d

"Money", Section 35.

85. Defendants admit that they were acting as agents of foreign principals, and were in fact soliciting and collecting information, contributions, loans, money, or other things of value for or in interest of foreign principals and powers.

86. The Foreign Agents Registration Act of 1938, as amended, Public Law 89-846, provides express prohibitions and limitations to Defendants' admitted activity. No officer, employee, or agent of the United States of America is authorized to act as an agent of a foreign principal. 18 U.S.C. 219 No private party is authorized to act as an

agent of a foreign principal without filing a Foreign Agents Registration Statement. 18 U.S.C. 951

87. None of the Defendants were registered as agents of foreign principals in accordance with existing domestic law.

88. Defendants have admitted using the Exchange Stabilization Fund under Section 10(b) of the Gold Reserve Act of 1934, as amended by the Special Drawing Rights Act of 1968, to implement their international systematic scheme.

89. Respondent Huffaker having had continuous access to the records, pleadings and evidence in Case No. A323777, knew or should have known that the memorialized policy of the State of Nevada was read into the Congressional record of the House of Representatives on May 23, 1973.

> "Whereas, The 1934 Gold Reserve Act ***no longer furthers any compelling governmental interest***..." (Exhibit 14 of Fourth Amended Complaint, **Exhibit 2**, Congressional Record - House, pg. 16983)

90. Neither the Defendants nor their attorneys ever plead

or evidenced facts which would establish any "compelling governmental interests" in Defendants' systematic scheme. Petitioners, however, plead and evidenced both a "compelling governmental interest" and a duty to perform.

> "(2) Notwithstanding any other provision of law, ***no court in the United States shall decline on the ground of federal act of state doctrine to make a determination on the merits giving effect to the principles of international law in a case in which a claim of title or other right is asserted by any party*** including a foreign state (or a part claiming through such foreign state) ***based upon*** (or traced through) ***a confiscation or other taking*** after January 1, 1959) by an act of that state in violation of the principles of compensation and other standards set out in this subsection..." (Public Law 88-663, Part III, Section 301((d)(4); see also Transcript, pg. 9, lines 12 through 25, Hearing, April 18, 1994)

(18)

91. The "confiscation or other taking" as perpetrated by Defendants against Petitioner Robert Kahre has never been disputed.

92. The State Court will take judicial notice that the Defendants have admitted the facts, and that there are no contrary pleadings and supporting evidence on the record.

93. Respondent, District Court, Stephen Huffaker and Lee Gates refused to exercise the duties imposed by law and determine whether Defendant "instrumentalities", namely, the International Monetary Fund (IMF) and the International Bank For Reconstruction And Development (The World Bank) were engaged in "commercial conduct", and whether

the "commercial activity of the foreign state [Defendant instrumentalities] elsewhere...caused a direct effect in the United States of America."

C.
STATE COURT HAS JURISDICTION OVER DEFENDANT, DE FACTO UNITED STATES

94. Respondent, District Court, Stephen Huffaker and Lee Gates were duly notified that Defendant, de facto United States, was and is a voting share stockholder in the Defendant international financial organizations.

95. Respondent Huffaker and Gates were also duly noticed of the determination of the supreme court of the United States in Alfredo Dunhill of London, Inc. v. Cuba, 48 L.Ed.2d 301 (1976).

96. The supreme court, citing Bank of the U.S. v. Planters Bank of Georgia, 6 L.Ed. (9 Wheat) 244, stated that when a government becomes a stockholder in any trading company, it divests itself of its sovereign character and takes on that of the company or corporation, and is to be treated as a private party.

97. Defendants have admitted that the United States is a voting share stockholder

in Defendant IMF and The World Bank.

98. Respondent Huffaker was in possession of Exhibit 17 of the Fourth Amended Complaint, (**Exhibit 2**) , Public Law 94-564, Senate Report 94-1148, and knew that the United States held 19.96 percent of the voting share stock in Defendant instrumentality, the IMF.

99. Defendants have admitted that their paper and credit

"dollar" is valued in the Special Drawing Rights by the Defendant IMF, not by Congress, and that the same said depreciated paper and credit is generally circulating and passed in commerce within the several States of the Union.

100. Defendants having defaulted of answer, have admitted that they in fact: (1) devised and implemented an international systematic scheme to overthrow the Constitution for the United States of America and other Nations, and did intend to use the same said unconstitutional systematic scheme to defraud Petitioners; (2) used the false and fraudulent pretense of taxation as the means to effect the systematic scheme; (3) falsified agency records; (4) unlawfully filed liens against Petitioner Robert Kahre and others within the public records of the State to effect the systematic scheme; (5) unlawfully took, seized, expropriated, and sold Petitioners' property under force of arms, and without affording the victims due process of law; (6) converted and transferred the sums received from the unlawful taking and sale of Plaintiffs' property to their principals, Defendants IMF and The World Bank; (7) solicited and collected information, contributions, money, loans, and other things of value for or in interest of foreign principals; and (8) used the positions of licensed attorneys and the Courts to further and conceal the same said systematic scheme.

101. The State Court will take judicial notice that the Defendants have admitted the allegations, and further, will take notice that there are no contrary pleadings and supporting evidence on the record.

(20)

102. Respondent, Stephen Huffaker and Lee Gates refused to determine the character of Defendant, "de facto United States, as corporator", in Defendant instrumentalities, and

whether the State Court has jurisdiction over the Defendant, de facto United States, as corporator.

D.
SECURED RIGHT OF PETITIONERS PROTECTED UNDER STATE COURT JURISDICTION

103. Respondent, District Court, Stephen Huffaker and Lee Gates were duly notified that the citizens have a secured and recognized right to commence and maintain actions at the common law in the Courts. Constitution for the United States of America, Article IV, Section 2; Amendment VII; Corfield v. Coryell, 6 Federal Cases 546 (1823)

104. Defendants have admitted violating the due process requirements of the law, falsifying records, usurping authority, exercising powers not granted, and filing fraudulent liens in the public records of the State and County.

105. Defendants have also admitted using the systematic scheme to unlawfully take, seize, sell and expropriate Petitioners' property and rights to property.

106. Respondent, Stephen Huffaker and Lee Gates knew that Congress recognized both the right of citizens and the authority of the State to entertain and adjudicate the subject matter presented by Petitioners.

> "Under the conditions prescribed in this section and section 1444 of this title for the protection of the United States, ***the United States may be named a party in any civil action or suit*** in any district court, or ***in any State court having jurisdiction of the subject matter -***

(2) to foreclose a mortgage or other lien upon,... real or personal property on which the United States has or claims a mortgage or other lien. (28 U.S.C. 2410(a))

(21)

107. Any interest of the United States, in the instant case, is that of a corporate share stockholder in the Defendant international lending institutions.

108. Respondent, Huffaker, and Gates were fully apprised and aware of the admitted facts and of the general jurisdiction of the District Court, County of Clark, State of Nevada.

109. Respondent, Huffaker and Gates were also duly informed of the case of Popp v. Eberlein, found at 409 F.2d 309 (1969), where the Seventh Circuit Court of Appeals determined that a "State court had jurisdiction to determine...whether federal tax sales were valid and effective."

110. Several cases recently commenced in the State of Nevada lend further support to Petitioners' position. In the case of Gravett v. Stamp, Case No, CV94-07509, the Second Judicial District Court of Nevada, determined that it had jurisdiction over property sold at an auction held by the Internal Revenue Service. In the case of Williams v. Boulder Dam Credit Union, Case No. 97A017, the Justice Court, Boulder Township, determined that it had jurisdiction over the credit corporation, the funds held on account, and over a Notice of Levy. In another case heard on November 9, 1998, Respondent Huffaker determined that the District Court, County of Clark, had jurisdiction to hear and determine the validity of a lien which clouded title to other property within the County and State.

111. Respondent, District Court, Stephen Huffaker and Lee Gates not only wrongfully and unlawfully used a public office to uphold Defendants' admitted systematic scheme of unequal weights and measures and continued violation of due process of law, but used double standards to abrogate and prejudice the rights and liberties of citizens.

112. The State Court will take judicial notice that the Defendants have admitted the allegations, and further, will take notice that there are no contrary pleadings and supporting evidence on the record.

(22)

113. Respondent Huffaker and Gates have heretofore refused to exercise the duties imposed upon the State Court by law and determine whether or not the State Court has jurisdiction over the liens filed in the public records of the County of Clark, State of Nevada.

114. The liens have been evidenced in the records of the case by Petitioners and have clouded the title to property and rights to property of Plaintiff, Robert Kahre, and others.

E.
UNCONSTITUTIONAL ACTS AND VIOLATION OF PUBLIC LAW 88-663, Part III, SECTION 301((d)(4)

115. Respondent, District Court, Stephen Huffaker and Lee Gates were duly notified that the citizens have a secured and recognized right to challenge the misappropriation of funds by public servants.

116. Respondent Huffaker and Gates were also duly noticed of the supreme court of the United States determination in Flast v. Cohen, 20 L.Ed.2d 947 (1968) and U.S. v. Richardson, 41 L.Ed.2d 678 (1974), in which the

supreme court confirmed the right of citizens to question the validity of actions taken under pretense of taxation, including any misappropriation of funds or other unconstitutional use of the taxing authority under the Constitution for the United States of America, Article I, Section 8, Clause 1.

117. Taxation as used in Petitioners' complaint, as amended, is only a means to an end, i.e., the "essential engine". (Federalist Papers No. 31) The mode of acquiring such revenue and the end objectives are the primary subject matter in controversy in the case.

118. Petitioners plead and evidenced several matters which were openly recognized

by Congress to be patently unconstitutional.

119. The same acts and omissions are admittedly an integral and inseparable part of Defendants' systematic scheme.

120. Judicial notice will be taken that there is no scope certification in the records of the case, and no presumption can be made that the named agents were acting within the scope of official character and capacity. 28 U.S.C. 2679(d)(1)

121. The State Court will again take judicial notice that the Defendants have admitted all the allegations, and further, will take notice that the Defendants have not presented any contrary pleadings and supporting evidence in the records of the case. 122. Respondent Huffaker refused to exercise the duties imposed upon the State Court by law and to uphold the Constitution for the United States of America and to secure the rights and liberties of Petitioners.

123. Respondent Huffaker and Gates were duly informed that any embarrassments to any department, instrumentality, agency, corporation or organization are not material to the

issues presented or to the proper determination of the matters. Alfred Dunhill of London, Inc. v. Cuba, 48 L.Ed.2d 301, 313

124. Respondent, District Court, Stephen Huffaker and Lee Gates refused to determine whether or not the acts and omissions complained of by Plaintiff, and as evidenced in the records of the case, were unconstitutional or otherwise unlawful in accordance with Public Law 88-663, Part III, Section 301((d)(4), supra.

II.
RESPONDENT, U.S. DISTRICT COURT LACK OF JURISDICTION
(24)
A.
USDC JUDGES LACK JURISDICTION TO DETERMINE MATTERS RELATED TO THE ESF

125. Respondent, District Court, Stephen Huffaker, relied on the bare pleadings of the Defendants and their attorneys that the case as commenced in the District Court, County of Clark, State of Nevada, was removed to the U.S. District Court, and was dismissed by the judges thereof.

126. Petitioners raised issues concerning Defendants' Exchange Stabilization Fund ("ESF"). The Gold Reserve Act of 1934, Section 10(b), in pertinent part, directs that:

> "(the "fund") under exclusive control of the Secretary of Treasury, with approval of the President, whose decision shall be final and ***not subject to review by any other officer of***

the United States." (Exhibit 8 of Fourth Amended Complaint, **Exhibit 2**)

127. Defendants having defaulted of answer, admitted that they have been and are now using the Exchange Stabilization Fund, as amended, to implement and further their systematic scheme. (Exhibit 8 of Fourth Amended Complaint, **Exhibit 2** , par. 66, pg. 22 ; par. 103 , pg. 36 ; see also its Exhibits 8 , 14 , and 34)

128. Defendants have admitted that they were soliciting and collecting contributions, money, and other things of value from Petitioners to pay the debts of Mexico to international lending institutions. (Fourth Amended Complaint, par. 157 - 162 , pgs. 57 - 60; see also its Exhibits 22 , 34 , and 36)

129. Defendants have admitted that they had combined together to solicit and collect contributions, loans, money, or other things of value for or in interest of numerous other foreign principals. (Fourth Amended Complaint (**Exhibit 2**), par. 6(C), pg. 5; see also its Exhibits 22 , 31 , and 36)

130. Defendants have admitted that the "Exchange Stabilization Fund" is not

reviewable by anyone in the U.S. District Court under Section 10(b) of the Gold Reserve Act of 1934, and as amended by the Special Drawing Rights Act of 1968. (Fourth Amended Complaint, (**Exhibit 2**), par. 66 , pg. 23; see also its Exhibits 8 , 14 and 34)

131. Respondent, Stephen Huffaker and Lee Gates were duly informed that the issues raised by the parties concerning jurisdiction were to be reviewed and determined de novo. Morril v. U.S., 821 F.2d 1426 (1987); Bonn v. U.S., 802 F.2d 1092 (1986)

132. Respondent Huffaker was duly informed that U.S. District Court judges are considered as "officers of the United States", and therefore fall within the express prohibitions of the Gold Reserve Act of 1934, as amended. U.S. v. Claiborne, 727 F.2d 842, headnote 4, (1984)

133. Respondent Huffaker was also duly informed by Petitioners that any judgment issued by a court that lacks jurisdiction over the person or the subject matter is void and a nullity. Insurance Company of Ireland v. Compaigne des Bauxite, supra.

134. The State Court will take judicial notice that the Defendants have admitted the allegations, and further, will take notice that there are no contrary pleadings and supporting evidence on the record.

135. There is no "governmental interest" in Defendants' systematic scheme. (Exhibit 17 of the Fourth Amended Complaint, **Exhibit 2**, Congressional Record - House, May 23, 1973, pg. 16983)

136. Respondent Huffaker and Lee Gates refused to exercise the duties imposed upon the State Court by law and to uphold the Constitution and laws of the United States of America in accordance with their Oath of Office and the Constitution for the State of Nevada, Article I, Section 2, supra.

137. Respondent, District Court, Stephen Huffaker and Lee Gates refused to

determine whether the Respondent, U.S. District Court judges had jurisdiction to hear and determine matters concerning the Exchange Stabilization Fund, under Section 10(b), as amended by the Special Drawing Rights Act of 1968.

B.
U.S. DISTRICT COURT LACKS JURISDICTION OVER CASE WHERE IMF AND WORLD BANK ARE PARTIES

138. Respondent, District Court, Stephen Huffaker, was duly informed of the laws of the United States, including but not limited to, 28 U.S.C. 1349:

> "The district court ***shall not have jurisdiction*** of any civil action by or against any corporation upon the ground that it was incorporated by or under an Act of Congress, ***unless the United States is the owner of more than one-half of its capital stock.***"

139. Petitioners caused subpoenas to be served on The World Bank, the IMF, and their agent Thomas Kummer demanding the production of the voting share stocks of de facto United States.

140. Petitioners also caused a subpoena to be served on Defendant Kathryn Landreth requesting the production of the same.

141. The jurisdictional documents were never produced by the Defendants or their attorneys.

142. The presumption is that the Defendant, de facto United States does not have sufficient stock for the U.S. District Court to assume jurisdiction over the Defendant instrumentalities and its stockholder. Insurance Company of Ireland v. Compaigne des Bauxite, supra.

143. The fact that the IMF and The World Bank were created by an act of Congress is immaterial. The respective Acts do not create a government office or agency. The

government is reduced to a private party. Bank of the U.S. v. Planters Bank of Georgia, 6 L.Ed. (9 Wheat) 244.

144. The purported corporate powers of the artificial entities and their agents are subject to constitutional scrutiny. Osborn v. The Bank of the U.S., 6 L.Ed. (9 Wheat) 204

145. The State Court will take judicial notice that the Defendants have admitted the allegations, and further, will take notice that there are no contrary pleadings and supporting evidence on the record.

146. Respondent Huffaker and Gates refused to exercise the duties imposed upon the State Court by law and to uphold the Constitution and laws of the United States of America in accordance with their Oath of Office and the Constitution for the State of Nevada, Article I, Section 2, supra.

147. Respondent, Stephen Huffaker and Lee Gates refused to determine whether the U.S. District Court had jurisdiction over a case where the International Monetary Fund (IMF) and the International Bank For Reconstruction And Development (The World Bank) are parties on the record.

C.
IMF ARTICLES OF AGREEMENT UNCONSTITUTIONAL AND NOT "UNDER AUTHORITY"

148. Respondent, District Court, Stephen Huffaker and Lee Gates were duly informed of the laws of the United States, including but not limited to, Article IX, Section 3, of the Articles of Agreement of the International Monetary Fund, 60 Stat. 1413.

"Section 3. Immunity from judicial process.

The Fund, its property and its assets, wherever located and by

(28)

whomsoever held, shall enjoy ***immunity from every form of judicial process*** except to the extent that it expressly waives its immunity for the purpose of any proceeding or by the terms of any contract."

149. Defendant IMF has plead that it is immune from the judicial process of its corporator, de facto United States.

150. Article IX of the IMF charter is patently unconstitutional upon grounds that the entity is not "under Authority" of the United States, however, Respondent U.S. District Court does not have jurisdiction over the Defendant IMF according to the corporate charter.

151. The uncommon and extraordinary privileges extended to the Defendant, IMF, is "open for inquiry, whether such privilege be compatible with the constitution." Osborn v. The Bank of the United States, 6 L.Ed. 204, 213

152. The corporators and agents devised and implemented a scheme to relinquish the sovereignty of the United States in violation of 50 U.S.C. 407, and are not to be supported or paid.

153. Article IX of the IMF charter, however, does not and cannot exclude the "instrumentality", its corporators, or its agents from the judicial process of the State. (See: Jefferson's Manual & Rules of the House of Representatives, Sec. LII - Treaties, 594, pgs. 295, 296) Such an interpretation by this or any other Court would violate fundamental principles of

law.

> "But, though the power is thus general and unrestricted, it is not to be so construed to authorize a destruction of other powers given in the same instrument. It must be construed, therefore, in subordination to it; and cannot supersede, or interfere with any other of its fundamental provisions. Each is equally obligatory, and of paramount authority within its scope; and no one embraces a right to annihilate any other. A treaty to change the organization of government, to annihilate its sovereignty, to overturn its republican form, or to deprive it of its constitutional powers, would be void; because it would destroy, what it was designed merely to fulfill, the will of the people." (Commentaries On The Constitution Of The United States, Joseph Story, Chapter 37, Section 777)

(29)

154. Defendants have admitted that they were under the direction and control of the corporate Governor[s] of the IMF, also known as the Secretary of Treasury.

155. Defendants have admitted that the Exchange Stabilization Fund and Special Drawing Rights facility are under the IMF and that the same had been and were being used by Defendants.

156. Defendants have admitted that their principal, the IMF, its corporator, and agents devised and implemented a systematic scheme to overthrow the Constitution for the United States of America, together with Constitutions and laws of other Nations and States, and have been soliciting and collecting information, contributions, money, loans, and other

things of value for or in interest of foreign principals and powers, violating the due process rights of Petitioners, and defrauding the public, all in violation of existing domestic laws.

157. Defendants also admitted that the same systematic scheme was an integral part of the acts and omissions which gave rise to the action and was the proximate cause of damages to Petitioners.

158. The State Court will take judicial notice that the Defendants have admitted all the allegations, and further, will take notice that there are no contrary pleadings and supporting evidence on the record.

159. Respondent Huffaker and Gates refused to exercise the duties imposed upon the State Court by law and to uphold the Constitution and laws of the United States of America in accordance with their Oath of Office and the Constitution for the State of Nevada, Article I, Section 2, supra.

160. Respondent, Stephan Huffaker and Lee Gates refused to determine whether or not the U.S. District Court had jurisdiction over a case in which the International Monetary Fund (IMF) is a named party on the record, and when Article IX of the Articles of Agreement of the International Monetary Fund specifically states that the entity, its

property, and its assets, are not subject to the corporators' judicial process.

CONSTITUTION FOR THE UNITED STATES OF AMERICA

Constitution for the United States of America
Article I. Section 8. Clause 1:

"The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States, but all Duties, Imposts and Excises shall be uniform throughout the United States."

Constitution for the United States of America.
Article I. Section 8. Clause 5:

"To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standards of Weights and Measures."

Constitution for the United States of America.
Article I. Section 9. Clause 7:

"No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."

Constitution for the United State of America.
Article IV. Section 2 Clause 1:

"The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States."

Constitution for the United States of America.
Article VI. Clause 2:

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

Constitution for the United States of America.
Amendment V:

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land and naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

Constitution for the United State of America.
Amendment VII:

"In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by jury, shall be

otherwise reexamined in any Court of the United States, than according to the rules of the common law."

Constitution for the State of Nevada,
Article 1, Section 2:

"***All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people;*** and they have the right to alter or reform the same whenever the public good may require it. But ***the paramount allegiance of every citizen is due*** to the federal government, ***in the exercise of its constitutional powers***, as the same have been, or may be, defined by the supreme court of the United States, and no power exists in the people of this or any other state of the federal union to dissolve their connection therewith, or ***perform any act tending to impair, subvert, or resist the supreme authority of the United States.*** The Constitution of the United States Confers full power on the federal government to maintain and perpetuate its existence, and whensoever any portion of the states, or people thereof, attempt to secede from the federal union, or forcibly resist the execution of its laws, the federal government may, by warrant of the constitution, employ armed force in compelling obedience to its authority."

Constitution for the State of Nevada,
Article VI, Section 6:

"***The district courts in the several judicial districts of this state shall have original jurisdiction in all cases*** excluded by law from the original jurisdiction of justices courts....The district courts and the judges thereof shall have power to issue writs of mandamus, injunction, quo warranto, certiorari, and all other writs proper and necessary to the complete exercise of their jurisdiction..."

Articles of Agreement of the International Monetary Fund, Article IX, 60 Stat. 1401, 1413:

"Section 1. Purpose of Article

To enable the Fund to fulfill the functions with which it is entrusted, the status, immunities and privileges set forth in this Article shall be accorded the Fund in the territories of each member.

Section 2. Status of the Fund

The Fund shall possess full juridical personality, and, in particular, the capacity:

(1) to contract

(2) to acquire and dispose of immovable and movable property;

(3) to institute legal proceedings.

Section 3. Immunity from judicial process

The Fund, its property and its assets, wherever located and by whomsoever held, shall enjoy immunity from every form of judicial process except to the extent that it expressly waives its immunity for the purpose of any proceeding or by the terms of any contract."

Section 4. Immunity from other action

Property and assets of the Fund, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Section 5. Immunity of archives

The archives of the Fund shall be inviolable.

Section 6. Freedom of assets from restrictions

To the extent necessary to carry out the operations provided for in this Agreement, all property and assets of the Fund shall be free from restrictions, regulations, controls and moratoria of any nature.

Section 7. Privilege for communications

The official communications of the Fund shall be accorded by members the same treatment as the official communications of other members.

Section 8. Immunities and privileges of officials and employees

All governors, executive directors, alternates, officers and employees of the Fund

(i) Shall be immune from legal process with respect to acts performed by them in their official capacity except when the Fund waives this immunity.

(ii) Not being local nationals, shall be granted the same immunity from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members.

(iii) shall be granted the same treatment in respect of traveling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

Section 9. Immunity from taxation

(a) The Fund, its assets, property, income and its operations and transactions authorized by this agreement, shall be immune from all taxation and from all customs duties. The Fund shall also be immune from liability for the collection or payment of any tax or duty.

(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Fund to executive directors, alternates, officers or employees of the Fund who are not local citizens, local subjects, or other local nationals.

(c) No tax of any kind shall be levied on any obligation or security issued by the Fund, including any dividend or interest thereon, by whomsoever held

(i) which discriminates against such obligation or security solely because of its origin; or

(ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Fund."

28 U.S.C. 1349:

"The [U.S.] district courts shall not have jurisdiction of any civil action by or against any corporation upon the grounds that it was incorporated by or under an Act of Congress, unless the United States is the owner of more than one-half of its capital stock."

Foreign Sovereign Immunities Act of 1976,
28 U.S.C. 1603(b):

§ 1603. Definitions

For purposes of this chapter--

(a) A "foreign state", except as used in section 1608 of this title, includes a political subdivision of a foreign state or an agency or instrumentality of a foreign state as defined in subsection (b).

(b) An "agency or instrumentality of a foreign state" means any entity--

(1) which is a separate legal person, corporate or otherwise, and

(2) which is an organ of a foreign state or political subdivision thereof, or a majority of whose shares or other ownership interest is owned by a foreign state or political subdivision thereof, and

(3) which is neither a citizen of a State of the United States as defined in section 1332(c) and (d) of this title, nor created under the laws of any third country.

(c) The "United States" includes all territory and waters, continental or insular, subject to the jurisdiction of the United States.

(d) A "commercial activity" means either a regular course of commercial conduct or a particular commercial transaction or act. The commercial character of an activity shall be determined by reference to the nature of the course of conduct or particular transaction or act, rather than by reference to its purpose.

(e) A "commercial activity carried on in the United States by a foreign state" means commercial activity carried on by such state and having substantial contact with the United States.

Foreign Sovereign Immunities Act of 1976,
28 U.S.C. 1605(a)(2):

"(a) A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case-

(2) in which the action is based upon a commercial activity carried on in the United States by the foreign state; or upon an act performed in the United States in connection with a commercial activity of the foreign state elsewhere; or upon a act outside the territory of the United States in connection with a commercial activity of the foreign state elsewhere and that act causes a direct effect in the United States of America."

28 U.S.C. 2410(a):

(a) Under the conditions prescribed in this section and section 1444 of this title for the protection of the United States, the United States may be named a party in any civil action or suit in any district court, or in any State court having jurisdiction of the subject matter--

(1) to quiet title to,

(2) to foreclose a mortgage or other lien upon,

(3) to partition,

(4) to condemn, or

(5) of interpleader or in the nature of interpleader with respect to,

real or personal property on which the United States has or claims a mortgage or other lien.

Gold Reserve Act of 1934,
73d Congress, Session II, Chapter 6, Section 10(b):

"To enable the Secretary of Treasury to carry out the provisions of this section there is hereby appropriated, out of the receipts which are directed to be covered into the Treasury under Section 7 hereof, the sum of $2,000,000,000, which sum when available shall be deposited with the Treasurer of the United States in a stabilization fund (hereinafter called the 'fund') under the exclusive control of the Secretary of the Treasury, with the approval of the President, whose decisions shall be final and not be subject to review by any other officer of the United States. The fund shall be available for expenditure, under the direction of the Secretary of Treasury and in his discretion, for any purpose in connection with carrying out the provisions of this section, including investments and reinvestment in direct obligations of the United States of any portion of the fund which the Secretary of Treasury, with the approval of the President, may from time to time determine are not currently required for stabilizing the exchange value of the dollar. The proceeds of all sales and investments and all earnings and interest accruing under the operations of this section shall be paid into the fund and shall be available for the purposes of the fund."

Special Drawing Rights Act of 1968,
Public Law 90-349, 82 Stat. 188, Sections 3 & 4:

"Sec. 3. (a) Special Drawing Rights allocated to the United States pursuant to article XXIV of the Articles of Agreement of the Fund, and Special Drawing Rights otherwise acquired by the United States, shall be credited to to the account of, and administered as part of, the Exchange Stabilization Fund established by section 10 of the Gold Reserve Act of 1934, as amended (31 U.S.C. 822a).

(b) The proceeds resulting from the use of Special Drawing Rights by the United States, and payments of interest to the United States pursuant to article XXVI, article XXX, and article XXXI of the Articles of Agreement of the Fund, shall be deposited in the Exchange Stabilization Fund. Currency payments by the United States in return for Special Drawing Rights, and payments of charges or assessments pursuant to article XXVI, article XXX, and article XXXI of the Articles of Agreement of the Fund, shall be made from the resources of the Exchange Stabilization Fund."

Sec. 4. (a) The Secretary of the Treasury is authorized to issue to the Federal Reserve Banks, and such banks shall purchase, Special Drawing Rights certificates in such form and in such denominations as he may determine, against any Special Drawing Rights held to the credit of the Exchange Stabilization Fund. Such certificates shall be issued and remain outstanding only for the purpose of financing exchange stabilization operations. The amount of Special Drawing Right certificates issued and outstanding shall at no time exceed the value of the Special Drawing Rights held against the Special Drawing Rights certificates. The proceeds resulting from the issuance of Special Drawing Rights

certificates shall be covered into the Exchange Stabilization Fund.

(b) Special Drawing Right certificates owned by the Federal Reserve banks shall be redeemed from the resources of the Exchange Stabilization Fund at such times and in such amounts as the Secretary of the Treasury may determine."

Public Law 88-633, 78 Stat. 1009, Part III, Chapter I, Section 301(c)(4).

(4) At the end of such subsection add the following new paragraph (2):

"(2) Notwithstanding any other provision of law, no court in the United States shall decline on the ground of federal act of state doctrine to make a determination on the merits giving effect to the principles of international law in a case in which a claim of title or other right is asserted by any party including a foreign state (or a party claiming through such state) based upon (or traced through) a confiscation or other taking after January 1, 1959, by an act of that state in violation of the principles of international law, including the principles of compensation and the other standards set out in this subsection: . . ."

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THE PEOPLE OF THE STATE OF NEVADA Ex Rel, Citizen ROBERT KAHRE,	)	
Plaintiff,	)	CV-8-93-01054-PMP (LRL)
vs.	)	
THE INTERNATIONAL MONETARY FUND, et al.,	)	
Defendants.	)	

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION AND FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED

The complaint quite clearly arises from plaintiff's misconception of the nature and function of the International Bank for Reconstruction and Development (the "World Bank"). Plaintiffs appear to be complaining about a U.S. tax lien filed against their property. Yet, the World Bank is an international organization of 176 countries designed to promote economic development in eligible member countries. The World Bank is capitalized by its member countries and issues bonds in capital markets to provide resources for loans to developing member countries or to enterprises in their territories whose loans are guaranteed by the member

countries' government. The World Bank has no role in any transactions relating to these plaintiffs.

It is impossible to ascertain from the complaint what allegations are being made against the World Bank. Plaintiffs, therefore, have failed to plead any basis for this Court to assert personal jurisdiction over the World Bank or to state a claim upon which relief can be granted. Having failed to satisfy these basic pleading rules, the plaintiffs claims should be dismissed pursuant to Federal Rules of Civil Procedure 8(a), 12(b) (2), 12 (b) (6).

The International Bank for Reconstruction and Development, commonly referred to as the World Bank, is an international financial institution whose principal purpose is to "promote the economic development of its member countries, primarily by providing loans and related technical assistance for specific projects and for programs of economic reform in developing member countries." See, Articles of Agreement, 60 Stat. 1440, T.I.A.S. No. 1502, 2 U.N.T.S. 134 (December 27, 1945). Membership in the World Bank is limited to countries participating in the International Monetary Fund who have contributed a specified amount of capital. Articles of Agreement, 60 Stat. 1441, 2 U.N.T.S. 136, at art II, § 1. See also Mendaro v. World Bank, 717 F.2d 610, 612 (D.C. Cir. 1983).

The World Bank was founded at the Bretton Woods Monetary Financial Conference in 1944. Articles of Agreement, 60 Stat. 1441, 2 U.N.T.S. 136. Although one of its original purposes was to help rebuild Europe's economies after World War II, the World Bank's more recent efforts have focused on the development of Third World countries. Note, The World Bank and the IMF: At the Forefront of World Transformation, 40 Fordham L. Rev. 351 (1992). The

stated purposes of the World Bank are to assist the development of its member countries' territories, encourage private foreign investment, and promote long range balanced growth in international trade. Articles of Agreement, 60 Stat. 1441, 2 U.N.T.S. 136, at art. III, IV §§ 1, 8.

As a practical matter, the World Bank seeks to "help raise [the] standards of living in developing countries by channeling financial resources to them from developed countries." World Bank, 1991 Annual Report 3 (1991). The United States, therefore, is a contributor of capital to the World Bank. Loans and guarantees are not made in the United States (including the State of Nevada), but rather - are made in member developing countries from capital provided by the United States and other developed countries. Articles of Agreement, 60 Stat. 1441, 2 U.N.T.S. 136, at art. I(i)- (iii). The World Bank itself operates like a bank, borrowing money by selling bonds and lending money to member countries for investment. Note, The World Bank and the IMF: At the Forefront of World Transformation, 60 Fordham L. Rev. 352.

The World Bank is headquartered in Washington, D.C., but has offices in over sixty countries. See Mendaro 717 F.2d at 612. The plaintiffs have failed to identify any contact that the World Bank has had with the State of Nevada.

ARGUMENT

I.

THIS COURT LACKS PERSONAL JURISDICTION OVER DEFENDANT WORLD BANK

Federal Rule of Civil Procedure 8(a) requires that a pleading contain "a short and plain statement of the grounds upon which the court's jurisdiction depends . . . ." Fed. R. Civ. P. 8(a). Plaintiffs fail to state any proper grounds for

this Court to assume personal jurisdiction over the World Bank. Accordingly, plaintiffs' action against the World Bank should he dismissed on this basis alone. See Fed. R. Civ. P. °(a), 12(b)(2).

In determining whether a court may assert personal jurisdiction over a defendant, the U.S. Court of Appeals for the Ninth Circuit applies a two part analysis. FDIC v. British-American Ins. Co., 828 F.2d 1439, 1441 (9th Cir. 1987). First, a court applies the long-arm statute of the particular state in which the action was brought. Id. If the court determines that jurisdiction under the state long-arm statute is proper, the court will then look to see if jurisdiction over the defendant would violate due process. Id.

Under Nevada's long-arm statute, jurisdiction is permitted over a nonresident defendant "on any basis not inconsistent with the constitution of this state or the Constitution of the United States." Nev. Rev. Stat. § 14.065 (1993). Thus, this Court's inquiry is actually limited to whether personal jurisdiction over defendant World Bank comports with the Due process Clause. See id. The complaint, however, fails to identify any act of the World Bank which would satisfy Nevada's long-arm statute.

Under this analysis, the United States Supreme Court has held that an individual's contacts with the forum state must be sufficient so that the individual "should reasonably anticipate being haled into court there." Burger King v. Budsewitcs, 471 U.S. 463.471 (1985). Thus, the U.S. Supreme Court has found implicit in the requirements of minimum contacts that there be some act or acts by which defendant has purposely availed himself of the benefits and protections of the laws of the forum state. Burger King, 471 U.S. at 474 to 476. A court may exercise either general

jurisdiction, that defendant's have continuous or systematic contacts with the forum state, or specific jurisdiction, that defendant's actions give rise to the cause of action. FDIC, 828 F.2d at 1442. The allegations of the complaint as to the World Bank fail to satisfy either of these criteria.

Plaintiffs bear the burden of establishing that the court has personal jurisdiction over the defendant. Id. Plaintiffs have failed to make any showing that the World Bank purposefully availed itself of the benefits or protections of the state of Nevada. See Burger King, 471 U.S. at 474 -76; FDIC 828 F.2d at 1442. Having failed to plead allegations supporting jurisdiction over the World Bank, this action against the World Bank must be dismissed for lack of personal jurisdiction. See FDIC, 828 F.2d at 1441; Fed. R. Civ. P. 8(a), 12(b)(2).

XX.

Plaintiffs HAVE FAILED TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED

Under Federal Rule of Civil Procedure 8(a), "a pleading which sets forth a claim for relief . . . shall contain . . . a short and plain statement of the claim showing that the pleader is entitled to relief . . . ." Fed. R. Civ. P. 8(a). Federal Rule of Civil Procedure 12(b)(6) provides the proper remedy for dismissing a complaint which is insufficient on its face. Fed. R. Civ. P. 12(b) (6); 5A Wright and Miller, Federal Practice and Procedure: Civil 2d § 1396 (1990).

Under Rule 12 (b) (6), a court may grant a motion to dismiss for failure to state a claim upon which relief can be granted if it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." Elias v. Connett, 908 F.2d 521, 527 (9th Cir. 1990) (upholding dismissal of complaint under 12(b)(6)

filed by pro se plaintiff against the United States to enjoin government from attempting to correct tax deficiencies); Tahoe Sierra Preservation Council v. Tahoe Planning Agency, 808 F. Supp. 1474, 1481 (D. Nev. 1992) (dismissing amended complaint under 12(b)(6) challenging local ordinances, regulations, and prohibitions against development).

In deciding whether to grant a 12 (b)(6) motion, courts look only to the facts alleged in the complaint, which must be taken as true and construed in a light most favorable to plaintiff. Tahoe Sierra Preservation Council, 808 F. Supp. at 1481. The court may not, however, assume that the plaintiff can prove facts that have not been alleged or assume that defendants have violated laws in ways not alleged by. the plaintiff. Id. (quoting General Contractors v. California State Council, 459 U.S. 519, 526 (1983)).

Moreover, the Ninth Circuit has noted that a complaint which is vague, conclusory, general, and does not set forth any material facts in support of the allegations should be dismissed. North Star International v. Arizona corporation Commission, 720 F.2d 578, 583 (9th Cir. 1983). See also Vasquez v. City of Reno, 461 F. Supp. 1098, 1101 (D. Nev. 1978) (holding, inter alia, that complaint for conspiracy to deny equal protection must do more than state vague and conclusory allegations). Indeed, in one Nevada District Court case, the Court stated, "[e]ven a pro se plaintiff may not rely on wholly conclusory allegations, but rather must allege facts which, if proven, would entitle the plaintiff to relief." Johnson v. Reno Police Chief, 718 F. Supp. 36, 38 (D. Nev. 1989).

Here, plaintiffs have asserted nothing more than vague, conclusory, and general allegations. See North Star

International, 720 F2d at 583. It is impossible to ascertain from the complaint what claim is being asserted against the World Bank. The sole allegation mentioning the World Bank is that several of the defendants were agents or "third-party record keepers" for the World Bank and other organizations. Complaint ¶¶ 4B, 5B, 6B, 7B, 8B, 9B, 10B. Even if this allegation were true (which it is not), this allegation does not state a claim against the World Bank.

Thus, the complaint fails to provide notice of the basic events and circumstances of which the plaintiffs claim to be entitled to relief. See Fed. R. Civ. P. 8(a). Accordingly, the complaint does not state a claim upon which relief can be granted, and should be dismissed. See Fed. R. Civ. P. 12(b)(6).

CONCLUSION

For the reasons set forth above, defendant World Bank's Motion should be granted.

BAKER & HOSTETLER
By: s/ Mark A. Cymrot
Mark A. Cymrot
Adam K. Derman
1050 Connecticut Avenue, N.W.
Suite 1100
Washington, D.C. 20036
(203) 661-1500

VARGAS & BARTLETT

By:s/ Thomas F. Kummer
Thomas F. Kummer

3800 Howard Hughes Parkway
Seventh Floor
Las Vegas, Nevada 89109,
(702) 792-7000

Attorneys for Defendant World Bank

District Court

CLARK COUNTY, NEVADA

THE PEOPLE OF THE STATE OF NEVADA EX REL, CITIZEN ROBERT KAHRE, THE AMERICAN NATIONAL PEOPLE OF THE STATE OF COLORADO, SUI JURIS, JOHN B. NELSON Plaintiffs, vs. THE INTERNATIONAL MONETARY FUND (THE FUND), THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT (THE BANK), AS PRINCIPAL, et al. Defendants.	FILED OCT 15 11 05 AM '98 s/Loretta Bowman CLERK Case No. A323777 Dept. No. IX Docket No. ___

DEFAULT

It appearing form the files and records in the above-entitled action that

THE INTERNATIONAL MONETARY FUND

Defendant(s) herein, being duly served with a copy of the Summons and Complaint, as amended, on the

NOVEMBER 16, 1994

that more than 20 days, exclusive of the day of service, having expired since service upon the Defendant(s); that no answer or other appearance having been filed and no further time having been granted, the default of the above–named Defendant(s) for failing to answer or otherwise plead to Plaintiff's Complaint, as amended, is hereby entered.

The undersigned hereby requests and directs the entry of default

s/ Robert Kahre
Robert Kahre
6049 Boulder Highway
Las Vegas, Nevada 89122
Tel: 702–454–9221

LORETTA BOWMAN,
COUNTY CLERK

By: s/PATRICIA WALKER
DEPUTY CLERK
Date (district court seal)
OCT 15 1998

District Court

CLARK COUNTY, NEVADA

THE PEOPLE OF THE STATE OF NEVADA EX REL, CITIZEN ROBERT KAHRE, THE AMERICAN NATIONAL PEOPLE OF THE STATE OF COLORADO, SUI JURIS, JOHN B. NELSON Plaintiffs, vs. THE INTERNATIONAL MONETARY FUND (THE FUND), THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT (THE BANK), AS PRINCIPAL, et al. Defendants.	FILED OCT 15 11 05 AM '98 s/Loretta Bowman CLERK Case No. A323777 Dept. No. IX Docket No. ____

DEFAULT

It appearing form the files and records in the above-entitled action that

THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Defendant(s) herein, being duly served with a copy of the

Summons and Complaint, as amended, on the
NOVEMBER 11, 1994
that more than 20 days, exclusive of the day of service, having expired since service upon the Defendant(s); that no answer or other appearance having been filed and no further time having been granted, the default of the above–named Defendant(s) for failing to answer or otherwise plead to Plaintiff's Complaint, as amended, is hereby entered.

The undersigned hereby
requests and directs the
entry of default
s/ Robert Kahre
Robert Kahre
6049 Boulder Highway
Las Vegas, Nevada 89122
Tel: 702–454–9221

LORETTA BOWMAN,
COUNTY CLERK

By:s/PATRICIA WALKER
DEPUTY CLERK
Date (district court seal)
OCT 15 1998

District Court

CLARK COUNTY, NEVADA

THE PEOPLE OF THE STATE OF NEVADA EX REL, CITIZEN ROBERT KAHRE, THE AMERICAN NATIONAL PEOPLE OF THE STATE OF COLORADO, SUI JURIS, JOHN B. NELSON Plaintiffs, vs. THE INTERNATIONAL MONETARY FUND (THE FUND), THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT (THE BANK), AS PRINCIPAL, et al. Defendants.	FILED OCT 6 11 05 AM '98 s/Loretta Bowman CLERK Case No. A323777 Dept. No. IX Docket No. ___

DEFAULT

It appearing form the files and records in the above–entitled action that

GARY BAUER

Defendant(s) herein, being duly served with a copy of the Summons and Complaint, as amended, on the

that more than 20 days, exclusive of the day of service, having expired since service upon the Defendant(s); that no answer or other appearance having been filed and no further time having been granted, the default of the above–named Defendant(s) for failing to answer or otherwise plead to Plaintiff's Complaint, as amended, is hereby entered.

The undersigned hereby
requests and directs the
entry of default
s/Robert Kahre
Robert Kahre
6049 Boulder Highway
Las Vegas, Nevada 89122
Tel: 702–454–9221

LORETTA BOWMAN,
COUNTY CLERK

By:s/LOUELLA MYERS
DEPUTY CLERK
Date (district court seal)
OCT 06 1998

District Court

CLARK COUNTY, NEVADA

THE PEOPLE OF THE STATE OF NEVADA EX REL, CITIZEN ROBERT KAHRE, THE AMERICAN NATIONAL PEOPLE OF THE STATE OF COLORADO, SUI JURIS, JOHN B. NELSON Plaintiffs, vs. THE INTERNATIONAL MONETARY FUND (THE FUND), THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT (THE BANK), AS PRINCIPAL, et al. Defendants.	FILED OCT 28 11 34 AM '98 s/Loretta Bowman CLERK Case No. A323777 Dept. No. IX Docket No. ____

DEFAULT

It appearing form the files and records in the above-entitled action that

BRIAN P. McMAHON

Defendant(s) herein, being duly served with a copy of the Summons and Complaint, as amended, on the

that more than 20 days, exclusive of the day of service, having expired since service upon the Defendant(s); that no answer or other appearance having been filed and no further time having been granted, the default of the above–named Defendant(s) for failing to answer or otherwise plead to Plaintiff's Complaint, as amended, is hereby entered.

The undersigned hereby
requests and directs the
entry of default
s/ Robert Kahre
Robert Kahre
6049 Boulder Highway
Las Vegas, Nevada 89122
Tel: 702–454–9221

LORETTA BOWMAN,
COUNTY CLERK

By:s/Selene Greenway
DEPUTY CLERK
Date (district court seal)
OCT 28 1998

District Court

CLARK COUNTY, NEVADA

THE PEOPLE OF THE STATE OF NEVADA EX REL, CITIZEN ROBERT KAHRE, THE AMERICAN NATIONAL PEOPLE OF THE STATE OF COLORADO, SUI JURIS, JOHN B. NELSON Plaintiffs, vs. THE INTERNATIONAL MONETARY FUND (THE FUND), THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT (THE BANK), AS PRINCIPAL, et al. Defendants.	FILED OCT 28 11 33 AM '98 s/Loretta Bowman CLERK Case No. A323777 Dept. No. IX Docket No. ____

DEFAULT

It appearing form the files and records in the above-entitled action that

RON SMITH

Defendant(s) herein, being duly served with a copy of the Summons and Complaint, as amended, on the

that more than 20 days, exclusive of the day of service, having expired since service upon the Defendant(s); that no answer or other appearance having been filed and no further time having been granted, the default of the above–named Defendant(s) for failing to answer or otherwise plead to Plaintiff's Complaint, as amended, is hereby entered.

The undersigned hereby requests and directs the entry of default

s/Robert Kahre
Robert Kahre
6049 Boulder Highway
Las Vegas, Nevada 89122
Tel: 702–454–9221

LORETTA BOWMAN,
COUNTY CLERK

By:s/Selene Greenway
DEPUTY CLERK
Date (district court seal)
OCT 28 1998

District Court

CLARK COUNTY, NEVADA

THE PEOPLE OF THE STATE OF NEVADA EX REL, CITIZEN ROBERT KAHRE, THE AMERICAN NATIONAL PEOPLE OF THE STATE OF COLORADO, SUI JURIS, JOHN B. NELSON Plaintiffs, vs. THE INTERNATIONAL MONETARY FUND (THE FUND), THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT (THE BANK), AS PRINCIPAL, et al. Defendants.	FILED OCT 28 11 25 AM '98 s/Loretta Bowman CLERK Case No. A323777 Dept. No. IX Docket No. ____

DEFAULT

It appearing form the files and records in the above–entitled action that

WALT BUDZINSKI

Defendant(s) herein, being duly served with a copy of the Summons and Complaint, as amended, on the

that more than 20 days, exclusive of the day of service, having expired since service upon the Defendant(s); that no answer or other appearance having been filed and no further time having been granted, the default of the above–named Defendant(s) for failing to answer or otherwise plead to Plaintiff's Complaint, as amended, is hereby entered.

The undersigned hereby requests and directs the entry of default

s/Robert Kahre
Robert Kahre
6049 Boulder Highway
Las Vegas, Nevada 89122
Tel: 702–454–9221

LORETTA BOWMAN,
COUNTY CLERK

By:s/Selene Greenway
DEPUTY CLERK
Date (district court seal)
OCT 28 1998

District Court

CLARK COUNTY, NEVADA

THE PEOPLE OF THE STATE OF NEVADA EX REL, CITIZEN ROBERT KAHRE, THE AMERICAN NATIONAL PEOPLE OF THE STATE OF COLORADO, SUI JURIS, JOHN B. NELSON Plaintiffs, vs. THE INTERNATIONAL MONETARY FUND (THE FUND), THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT (THE BANK), AS PRINCIPAL, et al. Defendants.	FILED OCT 28 11 24 AM '98 s/Loretta Bowman CLERK Case No. A323777 Dept. No. IX Docket No. ___

DEFAULT

It appearing form the files and records in the above–entitled action that

CEDRICK NELSON

Defendant(s) herein, being duly served with a copy of the Summons and Complaint, as amended, on the

that more than 20 days, exclusive of the day of service, having expired since service upon the Defendant(s); that no answer or other appearance having been filed and no further time having been granted, the default of the above–named Defendant(s) for failing to answer or otherwise plead to Plaintiff's Complaint, as amended, is hereby entered.

The undersigned hereby
requests and directs the
entry of default
s/Robert Kahre
Robert Kahre
6049 Boulder Highway
Las Vegas, Nevada 89122
Tel: 702–454–9221

LORETTA BOWMAN,
COUNTY CLERK

By:s/Selene Greenway
DEPUTY CLERK
Date (district court seal)
OCT 28 1998

COPY

DISTRICT COURT

CLARK COUNTY, NEVADA

JAMES W. ANDERSON,	)
	)
Plaintiff,	)
	)Case No. 98-A-396749-C
vs.	) Dept. No. VII
	) Docket No. P
ROBERT KAHRE, et al.,	)
CHRISTIAN COMMON LAW	)
FOUNDATION,	)
	)
Defendants.	)
_____	)

Before the Honorable Mark Gibbons

Monday, March 15, 1999, 9:00 a.m.

Reporter's Transcript of Proceedings

MOTIONS HEARING

APPEARANCES:

For the Plaintiff: EDWARDS & WINTERTON, CHTD.
Attorneys at Law
BY: CHRIS BEECROFT, ESQ.

401 No. Buffalo, Ste. 200
Las Vegas, Nevada 89128

For Defendant Kahre: IN PRO SE

REPORTED BY: Renee Silvaggio, C.C.R. No. 122

(1)

Las Vegas, Nevada, Monday, March 15, 1999, 9:00 a.m.

* * * * *

THE COURT: Anderson versus Robert -- is it Kahre?

MR. KAHRE: Kahre.

THE COURT: Kahre.

Okay. This is Case Number A-396740, James W. Anderson versus Robert Kahre. Let the record reflect the presence of Chris Beecroft, representing the plaintiff; Mr. Kahre representing himself in proper person. This is Mr. Kahre's motion to dismiss or for summary judgment; the motion to strike and for expenses.

Okay. You know, this is kind of interesting. I guess I've read through the whole background.

Now, let's see if I understand the facts correctly and we will go ahead to the argument. Basically, Mr. Kahre, you own this property in question. I think there was a purchase money Deed of Trust, as I recall, at the time you bought it;

and then the I.R.S. came in and, I guess, levied against the property and sold it off; and then Mr. Beecroft's clients acquired the property and has paid the property taxes on it for in excess of five years.

Okay. Are those facts undisputed? Or maybe if I can get that done, then we can go ahead and deal with the motions.

MR. KAHRE: He claims that the property has been paid on for five years.

THE COURT: I realize that may be in dispute.

MR. KAHRE: Yeah.

THE COURT: I understand that. They have to prove it. That's one of the elements of their lawsuit here, that they've done that.

Okay. So now, you've moved to dismiss, and I know you've referred to the case that was in another department -- I forget what department this is -- and then, apparently, there was an appeal to the Supreme Court --

MR. KAHRE: Yes.

THE COURT: -- and all. So I don't know what the -- is that still pending, that appeal to the Supreme Court in this other case?

MR. KAHRE: Your Honor, I have not -- in that particular case, which names the subject property in issue here, that property is named in that case. I haven't exhausted all my remedies there yet --

THE COURT: Okay.
MR. KAHRE: -- and I'm still proceeding.
THE COURT: Okay. So the issue here, you are responding to the complaint filed by Mr. Beecroft seeking declaratory relief and quiet title basically --
MR. KAHRE: Yes.
THE COURT: -- for the property. Okay. I agree with you, they have to prove that they've paid the taxes. That's one of the elements of their lawsuit. And if they didn't, you know, that would go to the merits of their case. But, as far as the motion to dismiss and all like that, Mr. Kahre, it looks to me like it sets forth the legal cause of action, which you have a right certainly to contest and all, but by filing an answer and contesting those allegations here, it doesn't appear to me, after reading it, I can summarily dismiss the case, because I have to make a factual determination whether the taxes have been paid, whether they've properly perfected their claims to title to this property.

(4)

MR. KAHRE: Your Honor, does -- does the statute of 40.090 apply inthis matter? There was a taking --
THE COURT: Well, that is the adverse possession statute, isn't it?
MR. KAHRE: Yes.

THE COURT: Yeah.
MR. KAHRE: They pled -- there was a taking as well.
THE COURT: Right.
MR. KAHRE: And the 15 year statute should apply in that matter.
THE COURT: Okay. Well, all can I say is this: They -- they're suing, so they've got to prove the case, not you. You doesn't have to disprove it. They have the burden of proof and the burden of proving. So with that in mind, they have to jump through all the hoops and prove their case up and all, so -- but your -- you filed a motion to dismiss and I can't just say, well, there is no basis for the case. I have to make that determination by hearing the evidence and witnesses and looking at receipts and looking at all these things here. Okay. So do you understand that?

(5)

MR. KAHRE: Yes, I do.
THE COURT: Okay. The other thing I want to point out to you, Mr. Kahre, is when you make a motion -- you phrased it "expenses,' but it's basically like equivalent to attorney's fees. You can't ask for attorney's fees unless you are an attorney. So if you had an attorney, you could -- the attorney could ask for attorney's fees,

but
people -- that's -- I mean, you got to go to law school and get a law degree before you can ask for attorney's fees. Okay?

MR. KAHRE: I understand.

THE COURT: So that's just for future reference. So the motion to dismiss is denied without prejudice.

Mr. Beecroft, Mr. Kahre can, after discovery, move for summary judgment, if you -- if he feels that there is no basis for it. You prepare the order on that.

MR. BEECROFT: I will do that, Your Honor.

THE COURT: Thank you very much.

ATTEST: Full, true and accurate transcript of proceedings.

s/Renee Silvaggio

RENEE SILVAGGIO, C.C.R. NO. 122

OFFICIAL COURT REPORTER